

# **Voter Qualifications by State**

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# Foreword

Constitutional provisions and statutes in this composition have varying dates of currentness. This update reflects constitutional provisions and statutes that were compiled on Lexis Advance as of April 12, 2019. Additionally, where appropriate, this update includes currently passed but not yet effective statutes.

Publication of this document is not intended to be legal advice or to create an attorney-client relationship.

Ellipses indicate omitted paragraphs. Emphasis added has been indicated where appropriate.

All statutes have been cited with appropriate references to title, chapter, and subdivision numbers.

Where appropriate, amendments and such other annotations have been included.

Durational residency requirements that exceed 30 days with no compelling state interest have been found to be unconstitutional under the 14<sup>th</sup> amendment to the U.S. Constitution, *Dunn v. Blumstein*, 405 U.S. 330 (1972). Some states have amended articles, while others have, by action of legislature, passed statutes that comply with federal law (annotations have been provided within).

This list excludes New Hampshire and Territories of the United States, but includes the District of Columbia.

Michigan and Washington have enacted same day voter registration laws since the 2018 version of this document was created. Maryland passed a constitutional amendment providing for same day voter registration, but as of April 5, 2019 the legislature had not passed any legislation providing instructions to state officials for implementation of the new law.

# Tables

For the purposes of these tables, Election Day Registration (EDR) means the registration of a new voter on the day of an election. EDR does not include current registrants transferring their registration within a state.

\*Although North Dakota does not require registration, it is being included in the list of States with EDR for demonstrative purposes because effectively it provides the same voting ability as EDR.

## States with Election Day Registration: 18

1. California (conditional voting)
2. Colorado
3. Connecticut
4. Hawaii
5. Idaho
6. Illinois (grace period voting)
7. Iowa
8. Maine
9. Michigan
10. Minnesota
11. Montana
12. New Hampshire
13. North Dakota\*
14. Utah
15. Vermont
16. Washington (beginning June 30, 2019)
17. Wisconsin
18. Wyoming

## **States with Polling Place Election Day Registration: 13**

1. California
2. Colorado
3. Hawaii
4. Idaho
5. Iowa
6. Minnesota
7. New Hampshire
8. North Dakota\*
9. Utah
10. Vermont
11. Washington (beginning June 30, 2019)
12. Wisconsin
13. Wyoming

## **States with Election Day Registration and No Durational Residency Requirement: 8**

1. California (conditional voting)
2. Connecticut
3. Hawaii
4. Iowa
5. New Hampshire
6. Maine
7. Vermont
8. Wyoming

## **States with Polling Place Election Day Registration and No Durational Residency Requirements: 6**

1. California (conditional voting)
2. Hawaii
3. Iowa
4. New Hampshire
5. Vermont
6. Wyoming

**States with No Provisional Ballots: 4**

These states are exempt from the Help America Vote Act of 2002 (HAVA) provisional ballot requirements and have no state statutes requiring the use of a HAVA type provisional ballot.

1. Idaho
2. Minnesota
3. New Hampshire
4. North Dakota

**States with Polling Place Election Day Registration and No Provisional Ballots: 4**

1. Idaho
2. Minnesota
3. New Hampshire
4. North Dakota

**States with No Durational Requirement and No Provisional Ballots: 1**

1. New Hampshire

**States with Polling Place Election Day Registration, No Durational Requirements, and No Provisional Ballots: 1**

1. New Hampshire

**States with Durational Residency Requirements or a Registration  
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29**

1. Alaska
2. Arizona
3. Arkansas
4. Delaware
5. Florida
6. Georgia
7. Indiana
8. Kansas
9. Kentucky
10. Louisiana
11. Maryland
12. Massachusetts
13. Mississippi
14. Missouri
15. Nevada
16. New Jersey
17. New Mexico
18. New York
19. North Carolina
20. Ohio
21. Oklahoma
22. Oregon
23. Pennsylvania
24. Rhode Island
25. South Carolina
26. Tennessee
27. Texas
28. Virginia
29. West Virginia

## **States with Durational Residency Requirements or a Registration Deadline and No Election Day Registration: 32**

1. Alabama
2. Alaska
3. Arizona
4. Arkansas
5. Delaware
6. Florida
7. Georgia
8. Indiana
9. Kansas
10. Kentucky
11. Louisiana
12. Maryland
13. Massachusetts
14. Mississippi
15. Missouri
16. Nebraska
17. Nevada
18. New Jersey
19. New Mexico
20. New York
21. North Carolina
22. Ohio
23. Oklahoma
24. Oregon
25. Pennsylvania
26. Rhode Island
27. South Carolina
28. South Dakota
29. Tennessee
30. Texas
31. Virginia
32. West Virginia

## States with Durational Residency Requirements

| State                         | Residence | Registration Deadline                 |
|-------------------------------|-----------|---------------------------------------|
| 1. Alaska                     | 30 days   | 30 days before                        |
| 2. Arizona                    | 29 days   | 29 days before                        |
| 3. Colorado                   | 22 days   | no D/L for in person                  |
| 4. Idaho                      | 30 days   | 24 days before                        |
| 5. Illinois                   | 30 days   | 27 days before                        |
| 6. Indiana                    | 30 days   | 29 days before                        |
| 7. Michigan                   | 30 days   | no D/L for in person                  |
| 8. Minnesota                  | 20 days   | 20 days before                        |
| 9. Mississippi                | 30 days   | 30 days before                        |
| 10. Montana                   | 30 days   | no D/L for in person                  |
| 11. Nevada                    | 30 days   | Third Tuesday before                  |
| 12. New Jersey                | 30 days   | 21 days before                        |
| 13. New York                  | 30 days   | 25 days before                        |
| 14. North Carolina            | 30 days   | 25 days before                        |
| 15. North Dakota <sup>^</sup> | 30 days   |                                       |
| 16. Ohio                      | 30 days   | 30 days before                        |
| 17. Pennsylvania              | 30 days   | 30 days before                        |
| 18. Rhode Island              | 30 days   | 30 days before                        |
| 19. Texas                     | 30 days   | 30 days before                        |
| 20. Utah                      | 30 days   | 30 days before                        |
| 21. Washington                | 30 days   | Election day, beginning June 30, 2019 |
| 22. West Virginia             | 30 days   | 21 days before                        |
| 23. Wisconsin                 | 28 days   | Friday before                         |

<sup>^</sup>No registration requirement

## **States without Durational Residency Requirements**

| State                    | Registration Deadline                                 |
|--------------------------|---|
| 1. Alabama               | 14 days before  |
| 2. Arkansas              | 30 days before  |
| 3. California            | 15 days before  |
| 4. Connecticut           | 5th day before primary, otherwise 7th day             |
| 5. Delaware              | 30 days before  |
| 6. Florida               | 30 days before  |
| 7. Georgia               | 5th Monday before elections, some exceptions          |
| 8. Hawaii                | 30 days before  |
| 9. Iowa                  | 10 days before general, otherwise 11 days             |
| 10. Kansas               | 20 days before  |
| 11. Kentucky             | 28 days before  |
| 12. Louisiana            | 21 days before election via online, otherwise 30 days |
| 13. Maine                | 21 days before  |
| 14. Maryland             | 21 days before  |
| 15. Massachusetts        | 20 days before  |
| 16. Missouri             | when required, 4th Wednesday before election          |
| 17. Nebraska             | Friday before election                                |
| 18. New Hampshire        | 6-13 days before                                      |
| 19. New Mexico           | 28 days before  |
| 20. Oklahoma             | 21 days before  |
| 21. Oregon               | 21 days before  |
| 22. South Carolina       | 30 days before  |
| 23. South Dakota         | 15 days before  |
| 24. Tennessee            | 30 days before  |
| 25. Vermont <sup>†</sup> |   |
| 26. Virginia             | 22 days before  |
| 27. Wyoming              | 14 days before  |

<sup>†</sup>Vermont has no deadline for registration; registration may occur up to and including election day

# Alabama

## Constitution

### Alabama Constitution, Article VIII, Section 177, as amended:

- (a) Every citizen of the United States who has attained the age of eighteen years **and has resided in this state and in a county thereof** for the time provided by law, if registered as provided by law, shall have the right to vote in the county of his or her residence. The Legislature may prescribe reasonable and nondiscriminatory requirements as prerequisites to registration for voting. The Legislature shall, by statute, prescribe a procedure by which eligible citizens can register to vote.

. . . . (Emphasis added).

### Annotations:

Original § 177 repealed by Amendment 579; current § 177 added by Amendment 579; amended by Acts 2011, No. 11-656 (Amendment 865).

## Statutes

### Code of Alabama § 17-3-30:

Any person possessing the qualifications of an elector set out in Article VIII of the Constitution of Alabama, as modified by federal law, and not laboring under any disqualification listed therein, shall be an elector, and shall be entitled to register and to vote at any election by the people.

### Code of Alabama § 17-3-32:

No person shall lose or acquire a domicile either by temporary absence from his or her domicile without the intention of remaining or by navigating any of the waters of this state, the United States or the high seas, without having acquired any other lawful domicile, or by being

absent from his or her domicile in the civil or military service of the state or the United States.

**Code of Alabama § 17-3-50:**

The boards of registrars in the several counties of the state shall not register any person as a qualified elector within 14 days prior to any election; provided, that the boards shall maintain open offices during business days in such 14-day period and on election day during the hours of voting.

**Annotations:**

***Osborn v. O'Barr*, 401 So. 2d 773 (Ala. 1981) (The parties correctly assert that "the terms 'legally resides,' 'inhabitant,' 'resident,' etc., when used in connection with political rights are synonymous with domicile."**  
***Mitchell v. Kinney*, 5 So. 2d 788 (1942).)**

# Alaska

## Constitution

### Alaska Constitution, Article V, Section 1, as amended:

Every citizen of the United States who is at least eighteen years of age, **who meets registration residency requirements which may be prescribed by law**, and who is qualified to vote under this article, may vote in any state or local election. A voter shall have been, immediately preceding the election, **a thirty day resident** of the election district in which he seeks to vote, except that for purposes of voting for President and Vice President of the United States other residency requirements may be prescribed by law. Additional voting qualifications may be prescribed by law for bond issue elections of political subdivisions. (Emphasis added).

### Annotations:

7<sup>th</sup> Legislature's HJR 126 am S (1972) inserted "residency" in the first sentence, and substituted "thirty day resident" for "for one year a resident of Alaska and for thirty days a resident" in the second sentence.

## Statutes

### Alaska Statute § 15.05.010:

A person may vote at any election who

- (1) is a citizen of the United States;
- (2) is 18 years of age or older;
- (3) **has been a resident of the state** and of the house district in which the person seeks to vote for at least 30 days just before the election; and
- (4) has registered before the election as required under AS 15.07 and is not registered to vote in another jurisdiction.

(Emphasis added).

## **Alaska Statute § 15.05.020:**

For the purpose of determining residence for voting, the place of residence is governed by the following rules:

- (1) A person may not be considered to have gained a residence solely by reason of presence nor may a person lose it solely by reason of absence while in the civil or military service of this state or of the United States or of absence because of marriage to a person engaged in the civil or military service of this state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of this state or the United States or of the high seas, while residing upon an Indian or military reservation, or while residing in the Alaska Pioneers' Home or the Alaska Veterans' Home.
- (2) The residence of a person is that place in which the person's habitation is fixed, and to which, whenever absent, the person has the intention to return. If a person resides in one place, but does business in another, the former is the person's place of residence. Temporary work sites do not constitute a dwelling place.
- (3) A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one residence.
- (4) A person does not lose residence if the person leaves home and goes to another country, state, or place in this state for temporary purposes only and with the intent of returning.
- (5) A person does not gain residence in any place to which the person comes without the present intention to establish a permanent dwelling at that place.
- (6) A person loses residence in this state if the person votes in another state's election, either in person or by absentee ballot, and will not be eligible to vote in this state until again qualifying under AS 15.05.010.
- (7) The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.
- (8) The address of a voter as it appears on the official voter registration record is presumptive evidence of the person's voting residence. This presumption is negated only if the voter notifies the director in writing of a change of voting residence.

**Alaska Statute § 15.07.070:**

....

- (c) The names of persons submitting completed registration forms by mail that are postmarked at least 30 days before the next election, or submitting completed registration forms by facsimile or other electronic transmission approved by the director under AS 15.07.050 that are received at least 30 days before the next election, shall be placed on the official registration list for that election. If a registration form received by mail less than 30 days before an election does not have a legible and dated postmark, the name of the person submitting the form shall be placed on the official registration list for that election if the form was signed and dated by the person at least 30 days before the election and if the form is received by the director or election supervisor at least 25 days before the election. The name of a person submitting a completed registration form by mail or by facsimile or other electronic transmission that does not meet the applicable requirements of this subsection may not be placed on the official registration list for that election but shall be placed on the master register after that election.
- (d) Qualified voters may register in person before a registration official or through a voter registration agency at any time throughout the year, except that a person registering within 30 days preceding an election is not eligible to vote at that election. Upon receipt and approval of the registration forms, the director or the election supervisor shall forward to the voter an acknowledgment in the form of a registration card, and the voter's name shall immediately be placed on the master register. Names of persons registering 30 or more days before an election shall be placed on the official registration list for that election.

....

# Arizona

## Constitution

### Arizona Constitution, Article VII, Section 2:

- A. No person shall be entitled to vote at any general election, or for any office that now is, or hereafter may be, elective by the people, or upon any question which may be submitted to a vote of the people, unless such person be a citizen of the United States of the age of eighteen years or over, **and shall have resided in the state for the period of time preceding such election as prescribed by law**, provided that qualifications for voters at a general election for the purpose of electing presidential electors shall be as prescribed by law. The word “citizen” shall include persons of the male and female sex.

. . . . (Emphasis added).

## Statutes

### Arizona Revised Statutes § 16.101:

- A. Every resident of the state is qualified to register to vote if he:
1. Is a citizen of the United States.
  2. Will be eighteen years of age or more on or before the date of the regular general election next following his registration.
  3. Will have been a resident of the state twenty-nine days next preceding the election, except as provided in section 16-126.
  4. Is able to write his name or make his mark, unless prevented from so doing by physical disability.
  5. Has not been convicted of treason or a felony, unless restored to civil rights.
  6. Has not been adjudicated an incapacitated person as defined in section 14-5101.
- B. For purposes of this title, “resident” means an individual who has actual physical presence in this state, or for purposes of a political subdivision actual physical presence in the political subdivision,

combined with an intent to remain. A temporary absence does not result in a loss of residence if the individual has an intent to return following his absence. An individual has only one residence for purposes of this title.

(Emphasis added).

**Arizona Revised Statutes § 16-120:**

- A. An elector shall not vote in an election called pursuant to the laws of this state unless the elector has been registered to vote **as a resident** within the boundaries or the proposed boundaries of the election district for which the election is being conducted and the registration has been received by the county recorder or the recorder's designee pursuant to section 16-134 before midnight of the twenty-ninth day preceding the date of the election.

. . . . (Emphasis added).

**Arizona Revised Statutes § 16-121:**

- A. A person who is qualified to register to vote pursuant to section 16-101 and who is properly registered to vote shall, if he is at least eighteen years of age on or before the date of the election, be deemed a qualified elector for any purpose for which such qualification is required by law, except as provided in section 16-126. A person continues to be a qualified elector until that person's registration is canceled pursuant to section 16-165 or until that person does not qualify **as a resident** as prescribed by section 16-101, subsection B.
- B. For purposes of subsection A of this section, a person who does not reside at a fixed, permanent or private structure shall be properly registered to vote if that person is qualified pursuant to section 16-101 and if that person's registration address is any of the following places located in this state:
  - 1. A homeless shelter to which the registrant regularly returns.
  - 2. The place at which the registrant is a resident.
  - 3. The county courthouse in the county in which the registrant

resides.

4. A general delivery address for a post office covering the location where the registrant is a resident.
- C. A person who is otherwise qualified to register to vote shall not be refused registration or declared not qualified to vote because the person does not live in a permanent, private or fixed structure.
- D. As used in this section, “homeless shelter” means a supervised publicly or privately operated shelter designed to provide temporary living accommodations to individuals who lack a fixed, regular and adequate nighttime residence.

(Emphasis added).

# Arkansas

## Constitution

### Arkansas Constitution, Article 3, Section 1, as amended:

- (a) Except as otherwise provided by this Constitution, any person may vote in an election in this state who is:
  - (1) A citizen of the United States;
  - (2) **A resident of the State of Arkansas;**
  - (3) At least eighteen (18) years of age; and
  - (4) Lawfully registered to vote in the election.

. . . . (Emphasis added).

(Arkansas amended their constitution in 2018. The amendment added sections (b)-(f), and added the “(a)” to the first section.)

## Statutes

### Arkansas Code Annotated § 7-5-201:

- (a) To be qualified to vote, a person shall have registered at least thirty (30) calendar days immediately prior to the election and in the manner set forth by Arkansas Constitution, Amendment 51.
- (b) “Voting residence” shall be a voter’s domicile and shall be governed by the following provisions:
  - (1) The domicile of a person is that place in which his or her habitation is fixed and to which he or she has the intention to return whenever he or she is absent;
  - (2) A change of domicile is made only by the act of abandonment, joined with the intent to remain in another place. A person can have only one (1) domicile at any given time;
  - (3) A person does not lose his or her domicile if he or she temporarily leaves his or her home and goes to another country, state, or place in this state with the intent of returning;
  - (4) The place where a person’s family resides is presumed to be his or her place of domicile, but a person may acquire a separate residence if he or she takes another abode with the intention of remaining there;

- (5) A married person may be considered to have a domicile separate from that of his or her spouse for the purposes of voting or holding office. For those purposes, domicile is determined as if the person were single; and
  - (6) Persons who are temporarily living in a particular place because of a temporary work-related assignment or duty post or as a result of their performing duties in connection with their status as military personnel, students, or office holders shall be deemed residents of that place where they established their home prior to beginning such assignments or duties.
- ....

**Annotations:**

Amendment 51 to the Arkansas Constitution establishes a system of voter registration.

# California

## Constitution

### California Constitution, Article 2, Section 2:

A United States citizen 18 years of age **and resident in this state** may vote.  
(Emphasis added).

## Statutes

### California Election Code § 2000:

- (a) Every person who qualifies under Section 2 of Article II of the California Constitution and who complies with this code governing the registration of electors may vote at any election held within the territory within which he or she resides and the election is held.

### California Election Code § 349:

- (a) "Residence" for voting purposes means a person's domicile.
- (b) The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.
- (c) The residence of a person is that place in which the person's habitation is fixed for some period of time, but wherein he or she does not have the intention of remaining. At a given time, a person may have more than one residence.

### California Election Code § 2119

- (a) Except as provided in subdivision (d), Article 4.5 (commencing with Section 2170), and Chapter 5 (commencing with Section 3400) and Chapter 6 (commencing with Section 3500) of Division 3, the county elections official shall accept affidavits of registration at all times except during the 14 days immediately preceding an election, when registration

shall cease for that election as to electors residing in the territory within which the election is held.

....

#### **California Election Code § 2170**

- (a) "Conditional voter registration" means a properly executed affidavit of registration that is delivered by the registrant to the county elections official during the 14 days immediately preceding an election or on election day and which may be deemed effective pursuant to this article after the elections official processes the affidavit, determines the registrant's eligibility to register, and validates the registrant's information, as specified in subdivision (c).
- (b) In addition to other methods of voter registration provided by this code, an elector who is otherwise qualified to register to vote under this code and Section 2 of Article II of the California Constitution may complete a conditional voter registration and cast a provisional ballot during the 14 days immediately preceding an election or on election day pursuant to this article.

....

#### **California Election Code § 14310**

- (a) At all elections, a voter claiming to be properly registered, but whose qualification or entitlement to vote cannot be immediately established upon examination of the roster for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot as follows:
  - (1) An elections official shall advise the voter of the voter's right to cast a provisional ballot.
  - (2) The voter shall be provided a provisional ballot, written instructions regarding the process and procedures for casting the ballot, and a written affirmation regarding the voter's registration and eligibility to vote. The written instructions shall include the information set forth in subdivisions (c) and (d).
  - (3) The voter shall be required to execute, in the presence of an elections official, the written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote.

....

# Colorado

## Constitution

### Colorado Constitution, Article VII, Section 1:

Every citizen of the United States who has attained the age of eighteen years, **has resided in this state** for such time as may be prescribed by law, and has been duly registered as a voter if required by law shall be qualified to vote at all elections. (Emphasis added).

## Statutes

### Colorado Revised Statutes § 1-2-101:

- (1) Every person who is eighteen years of age or older on the date of the next election and who has the following qualifications is entitled to register to vote at all elections:
  - (a) The person is a citizen of the United States; and
  - (b) **The person has resided** in this state twenty-two days immediately prior to the election at which the person intends to vote.

. . . . (Emphasis added).

### Colorado Revised Statutes § 1-2-102:

- (1) The following rules shall be used to determine the residence of a person intending to register or to vote in any precinct in this state and shall be used by election judges in challenge procedures:
  - (a)
    - (I) The residence of a person is the principal or primary home or place of abode of a person. A principal or primary home or place of abode is that home or place in which a person's habitation is fixed and to which that person, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence. A residence is a permanent building or part of a building and may include a house, condominium,

apartment, room in a house, or mobile home. No vacant lot or business address shall be considered a residence.

(II) For the purpose of voter registration residence, a homeless elector shall identify a specific location within a county where the elector returns to regularly. This location may include a homeless shelter, a homeless services provider, a park, a campground, a vacant lot, a business address, or any other physical location. If the homeless elector's registration residence does not include a mailing address, the elector shall also provide a mailing address. In determining what is the principal or primary place of abode of a person, the following circumstances relating to the person shall be taken into account: Business pursuits, employment, income sources, residence for income or other tax purposes, age, marital status, residence of parents, spouse or civil union partner, and children, if any, leaseholds, situs of personal and real property, existence of any other residences and the amount of time spent at each residence, and motor vehicle registration.

(b) In determining what is the principal or primary place of abode of a person, the following circumstances relating to the person shall be taken into account: Business pursuits, employment, income sources, residence for income or other tax purposes, age, marital status, residence of parents, spouse or civil union partner, and children, if any, leaseholds, situs of personal and real property, existence of any other residences and the amount of time spent at each residence, and motor vehicle registration.

(c) The residence given for voting purposes shall be the same as the residence given for motor vehicle registration and for state income tax purposes.

(d) A person shall not be considered to have gained a residence in this state, or in any county or municipality in this state, while retaining a home or domicile elsewhere.

(e) If a person moves to any other state with the intention of making it a permanent residence, that person is considered to have lost Colorado residence after twenty-two days' absence from this state unless the person has evidenced an intent to retain a residence in this state by a self-affirmation executed pursuant to section 1-7.5-107 (3)(b.5).

(f) After a person moves from one residence to another and has made the new residence his or her sole legal place of residence, the

person is considered to have residence at the residence in this state to which the person moved.

**Colorado Revised Statutes 1-2-201**

....

- (3) (a) Any other provisions of this title to the contrary notwithstanding, an elector is permitted to vote in any primary, presidential, general, coordinated, special legislative, municipal, congressional vacancy, special district, or other election if he or she timely registers to vote before or on the date of such election.
- (b) An elector may timely register to vote by:
  - (I) Submitting an application through a voter registration drive no later than twenty-two days before the election; except that, if the twenty-second day before an election is a Saturday, Sunday, or legal holiday, the elector is permitted to register on the next day that is not a Saturday, Sunday, or legal holiday;
  - (II) Registering through a high school, in accordance with part 4 of this article 2;
  - (III) Submitting an application through the mail, a voter registration agency, a local driver's license examination facility, or the online voter registration system established pursuant to section 1-2-202.5 (7)(c), through the eighth day prior to an election; except that, if the eighth day before an election is a Saturday, Sunday, or legal holiday, the elector is permitted to register on the next day that is not a Saturday, Sunday, or legal holiday;
  - (IV) Appearing in-person at the elector's county clerk and recorder's office at any time during which registration is permitted at the office; or
  - (V) Appearing in-person at a voter service and polling center pursuant to section 1-2-217.7 at any time during which the voter service and polling center is open, including on election day.
- (4) To receive a ballot by mail for an election conducted under this code, an elector must submit his or her voter registration application on or before the eighth day before the election.

# Connecticut

## Constitution

### Connecticut Constitution Amended, Article VI

Every citizen of the United States who has attained the age of eighteen years, **who is a bona fide resident of the town** in which he seeks to be admitted as an elector and who takes such oath, if any, as may be prescribed by law, shall be qualified to be an elector.

(Emphasis added).

## Statutes

### Connecticut General Statutes § 9-12:

- (a) Each citizen of the United States who has attained the age of eighteen years, and **who is a bona fide resident** of the town to which the citizen applies for admission as an elector shall, on approval by the registrars of voters or town clerk of the town of residence of such citizen, as prescribed by law, be an elector, except as provided in subsection (b) of this section. For purposes of this section a person shall be deemed to have attained the age of eighteen years on the day of the person's eighteenth birthday and a person shall be deemed to be a bona fide resident of the town to which the citizen applies for admission as an elector if such person's dwelling unit is located within the geographic boundaries of such town. No mentally incompetent person shall be admitted as an elector.

. . . . (Emphasis added).

### Connecticut General Statutes § 9-23g:

. . . .

- (c) Forthwith upon receipt of a registration application in the office of the registrars of voters, the registrar shall mark such date on the application and review the application to determine whether the applicant has properly completed it and is legally qualified to register. Forthwith

upon completing his review, the registrar shall (1) indicate on the application whether the application has been accepted or rejected, (2) mail a notice to the applicant, (3) indicate on the application the date on which such notice is mailed, and (4) provide a copy of such notice to the other registrar. If the registrar determines that the applicant has not properly completed the application or is not legally qualified to register, the notice shall indicate that the application has been rejected and shall state any reason for rejection. If the registrar determines that the applicant has properly completed the application and is legally qualified to register, the notice shall indicate that the application has been accepted. A notice of acceptance or a notice of rejection shall be sent (A) not later than four days after receipt of an application during the period beginning on the forty-ninth day before an election and ending on the twenty-first day before such election, (B) on the day of receipt of an application if it is received (i) during the period beginning on the twentieth day before such election and ending on the seventh day before such election, (ii) during the period beginning on the sixth day before an election and ending on election day if the application has been received by the seventh day before an election by the Commissioner of Motor Vehicles or by a voter registration agency, (iii) during the period beginning on the twenty-first day before a primary and ending on the fifth day before a primary, or (iv) during the period beginning on the fourth day before a primary and ending at twelve o'clock noon on the last weekday before a primary, if the application has been postmarked by the fifth day before the primary and is received in the office of the registrars of voters during such period or if the application is received by the fifth day before a primary by the Commissioner of Motor Vehicles or by a voter registration agency, and (C) within ten days of receipt of an application at any other time. A notice of acceptance shall be sent by first-class mail with instructions on the envelope that it be returned if not deliverable at the address shown on the envelope. A notice of acceptance shall indicate the effective date of the applicant's registration and enrollment, the date of the next regularly scheduled election or primary in which the applicant shall be eligible to vote and the applicant's precinct and polling place. If a notice of acceptance of an application is returned undelivered, the registrars shall forthwith take the necessary action in accordance with section 9-35 or 9-43, notwithstanding the May first deadline in section 9-35. An applicant for admission as an elector pursuant to this section and section 9-23h may only be admitted as an elector by a registrar of voters

of the town of his residence. Not later than December thirty-first, annually, the Secretary of the State shall establish an official calendar of all deadlines set forth in this subsection for regularly scheduled elections and primaries to be held in the following calendar year.

**Connecticut General Statutes § 9-19j:**

- (a) As used in this subsection and subsections (b) to (i), inclusive, of this section, “election day” means the day on which a regular election, as defined in section 9-1, is held.
- (b) Notwithstanding the provisions of this chapter, a person who (1) is (A) not an elector, or (B) an elector registered in a municipality who wishes to change his or her registration to another municipality pursuant to the provisions of subdivision (2) of subsection (e) of this section, and (2) meets the eligibility requirements under subsection (a) of section 9-12, may apply for admission as an elector on election day pursuant to the provisions of subsections (a) to (i), inclusive, of this section.

....

# Delaware

## Constitution

### Delaware Constitution, as amended, Article V, Section 2

Every citizen of this State of the age of twenty-one years **who shall have been a resident thereof** one year next preceding an election, and for the last three months a resident of the county, and for the last thirty days a resident of the hundred or election district in which he or she may offer to vote, and in which he or she shall have been duly registered as hereinafter provided for, shall be entitled to vote at such election in the hundred or election district of which he or she shall at the time be a resident, and in which he or she shall be registered, for all officers that now are or hereafter may be elected by the people and upon all questions which may be submitted to the vote of the people; provided, however, that no person who shall attain the age of twenty-one years after the first day of January in the year of our Lord, nineteen hundred, or after that date shall become a citizen of the United States, shall have the right to vote unless he or she shall be able to read this Constitution in the English language and write his or her name; but these requirements shall not apply to any person who by reason of physical disability shall be unable to comply therewith; and provided also, that no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no person adjudged mentally incompetent or person convicted of a crime deemed by law felony, or incapacitated under the provisions of this Constitution from voting, shall enjoy the right of an elector; and the General Assembly may impose the forfeiture of the right of suffrage as a punishment for crime. Any person who is disqualified as a voter because of a conviction of a crime deemed by law a felony shall have such disqualification removed upon being pardoned, or after the expiration of the sentence, whichever may first occur. The term "sentence" as used in this Section shall include all periods of modification of a sentence, such as, but not limited to, probation, parole and suspension. The provision of this paragraph shall not apply to (1) those persons who were convicted of any felony of murder or manslaughter, (except vehicular homicide); or (2) those persons who were convicted of any felony constituting an offense against public administration involving

bribery or improper influence or abuse of office, or any like offense under the laws of any state or local jurisdiction, or of the United States, or of the District of Columbia; or (3) those persons who were convicted of any felony constituting a sexual offense, or any like offense under the laws of any state or local jurisdiction or of the United States or of the District of Columbia. (Emphasis added).

**Annotations:**

*Mitchell v. Delaware State Tax Comm'r*, 42 A.2d 19 (1945) (In the constitutional provision [referring to Section 2 Article V of the Constitution of Delaware] and in the statute the word “resident” is synonymous with the legal term “domiciled.”)

**15 Delaware Code § 2036:**

The last date to register to vote for any presidential primary, primary and general election shall be the fourth Saturday prior to the date of the election.

- (1) Mail applications postmarked on or before the deadline shall be considered to be on-time and shall be immediately processed by the Department; and
- (2) Applications taken by agencies in accordance with subchapter VII of this chapter on or before the deadline shall be considered on-time and shall be processed by the Department immediately upon receipt.

# District of Columbia

## Statutes

### District of Columbia Code § 1-1001.02. Definitions.

For the purposes of this subchapter:

....

- (2) The term “qualified elector” means a person who:
  - (A) Is at least 17 years of age and who will be 18 years of age on or before the next general election;
  - (B) Is a citizen of the United States;
  - (C) **Has maintained a residence** in the District for at least 30 days preceding the next election and does not claim voting residence or right to vote in any state or territory;
  - (D) Is not incarcerated for a crime that is a felony in the District; and
  - (E) Has not been found by a court of law to be legally incompetent to vote.

.... (Emphasis added).

### District of Columbia Code § 1-1001.07:

- (a) No person shall be registered to vote in the District of Columbia unless:
  - (1) He or she meets the qualifications as a qualified elector as defined in § 1-1001.02(2);
  - (2)
    - (A) He or she executes an application to register to vote by signature or mark (unless prevented by physical disability) on a form approved pursuant to subsection (b) of this section or by the Election Assistance Commission attesting that he or she meets the requirements of a qualified elector, and if he or she desires to vote in party elections, indicating his or her political party affiliation; or

- (B) He or she applies for a DMV-issued driver's license or non-driver's identification card pursuant to subsection (c) of this section; and
- (3) The Board approves his or her registration application as provided in subsection (e) of this section.

....

- (g)
  - (1) Except as provided in paragraph (4) of this subsection, at any time except during the 21-day period preceding any regularly scheduled election, a qualified elector or any individual who will be a qualified elector at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a voter registration application and submitting it in person at the Board's office, using the digital voter service system required by subsection (b)(2A) of this section, or by mail. A registration that is received no later than 4:45 P.M. on the 21st day preceding any election, or such time on that day as the Board's office remains open to receive registrations, shall be accepted.

....

- (4) After the 21st preceding an election, a qualified elector may register to vote in the precinct in which the voter maintains residence by completing a voter registration application and submitting it in person at the Board's office. A qualified elector shall not change his or her party affiliation after the 21st preceding an election.
- (5) A qualified elector may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence by completing a voter registration application, making an oath in the form prescribed by the Board, and providing proof of residence. An individual may prove residence for purposes of registering by presenting such identification as required under federal law, District law, or Board regulation, including a current and valid government photo identification or a copy of a current utility bill, bank statement, government check, pay check, or other document specified by the Board, that shows the current name and address of the voter. Each individual who successfully registers on Election Day shall cast a regular ballot. A qualified elector shall not change his or her party affiliation on election day.

....

# Florida

## Constitution

### Florida Constitution, Article VI, Section 2

Every citizen of the United States who is at least eighteen years of age and **who is a permanent resident of the state**, if registered as provided by law, shall be an elector of the county where registered. (Emphasis added).

## Statutes

### Florida Statutes § 97.041:

- (1)
  - (a) A person may become a registered voter only if that person:
    - 1. Is at least 18 years of age;
    - 2. Is a citizen of the United States;
    - 3. Is a **legal resident** of the State of Florida;
    - 4. Is a **legal resident** of the county in which that person seeks to be registered; and
    - 5. Registers pursuant to the Florida Election Code.

. . . . (Emphasis added).

### Florida Statutes § 97.055:

- (1)
  - (a) The registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately.

. . . .

# Georgia

## Constitution

### Georgia Constitution, Article II, Section I, Paragraph II

Every person who is a citizen of the United States **and a resident of Georgia as defined by law**, who is at least 18 years of age and not disenfranchised by this article, and **who meets minimum residency requirements** as provided by law shall be entitled to vote at any election by the people. The General Assembly shall provide by law for the registration of electors. (Emphasis added).

## Statutes

### Official Code of Georgia Annotated §21-2-216:

- (a) No person shall vote in any primary or election held in this state unless such person shall be:
  - (1) Registered as an elector in the manner prescribed by law;
  - (2) A citizen of this state and of the United States;
  - (3) At least 18 years of age;
  - (4) **A resident of this state** and of the county or municipality in which he or she seeks to vote; and
  - (5) Possessed of all other qualifications prescribed by law.

. . . . (Emphasis added).

### Official Code of Georgia Annotated §21-2-217:

- (a) In determining the residence of a person desiring to register to vote or to qualify to run for elective office, the following rules shall be followed so far as they are applicable:
  - (1) The residence of any person shall be held to be in that place in which such person's habitation is fixed, without any present intention of removing therefrom;

- (2) A person shall not be considered to have lost such person's residence who leaves such person's home and goes into another state or county or municipality in this state, for temporary purposes only, with the intention of returning, unless such person shall register to vote or perform other acts indicating a desire to change such person's citizenship and residence;
- (3) A person shall not be considered to have gained a residence in any county or municipality of this state into which such person has come for temporary purposes only without the intention of making such county or municipality such person's permanent place of abode;
- (4) If a person removes to another state with the intention of making it such person's residence, such person shall be considered to have lost such person's residence in this state;
- (4.1) If a person removes to another county or municipality in this state with the intention of making it such person's residence, such person shall be considered to have lost such person's residence in the former county or municipality in this state;
- (5) If a person removes to another state with the intention of remaining there an indefinite time and making such state such person's place of residence, such person shall be considered to have lost such person's residence in this state, notwithstanding that such person may intend to return at some indefinite future period;
- (6) If a person removes to another county or municipality within this state with the intention of remaining there an indefinite time and making such other county or municipality such person's place of residence, such person shall be considered to have lost such person's residence in the former county or municipality, notwithstanding that such person may intend to return at some indefinite future period;
- (7) The residence for voting purposes of a person shall not be required to be the same as the residence for voting purposes of his or her spouse;
- (8) No person shall be deemed to have gained or lost a residence by reason of such person's presence or absence while enrolled as a student at any college, university, or other institution of learning in this state;

- (9) The mere intention to acquire a new residence, without the fact of removal, shall avail nothing; neither shall the fact of removal without the intention;
  - (10) No member of the armed forces of the United States shall be deemed to have acquired a residence in this state by reason of being stationed on duty in this state;
  - (11) If a person removes to the District of Columbia or other federal territory, another state, or foreign country to engage in government service, such person shall not be considered to have lost such person's residence in this state during the period of such service; and the place where the person resided at the time of such person's removal shall be considered and held to be such person's place of residence;
  - (12) If a person is adjudged mentally ill and is committed to an institution for the mentally ill, such person shall not be considered to have gained a residence in the county in which the institution to which such person is committed is located;
  - (13) If a person goes into another state and while there exercises the right of a citizen by voting, such person shall be considered to have lost such person's residence in this state;
  - (14) The specific address in the county or municipality in which a person has declared a homestead exemption, if a homestead exemption has been claimed, shall be deemed the person's residence address; and
  - (15) For voter registration purposes, the board of registrars and, for candidacy residency purposes, the Secretary of State, election superintendent, or hearing officer may consider evidence of where the person receives significant mail such as personal bills and any other evidence that indicates where the person resides.
- (b) In determining a voter's qualification to register and vote, the registrars to whom such application is made shall consider, in addition to the applicant's expressed intent, any relevant circumstances determining the applicant's residence. The registrars taking such registration may consider the applicant's financial independence, business pursuits, employment, income sources, residence for income tax purposes, age, marital status, residence of parents, spouse, and children, if any, leaseholds, sites of personal and real property owned by the applicant, motor vehicle and other personal property registration, and other such factors that the registrars may reasonably deem necessary to determine the

qualification of an applicant to vote in a primary or election. The decision of the registrars to whom such application is made shall be presumptive evidence of a person's residence for voting purposes.

**Official Code of Georgia Annotated § 21-2-224:**

- (a) If any person whose name is not on the list of registered electors maintained by the Secretary of State under this article desires to vote at any general primary, general election, or presidential preference primary, such person shall make application as provided in this article by the close of business on the fifth Monday or, if such Monday is a legal holiday, by the close of business on the following business day prior to the date of such general primary, general election, or presidential preference primary.
- (b) If any person whose name is not on the list of registered electors maintained by the Secretary of State under this article desires to vote at any special primary or special election, such person shall make application as provided in this article no later than either the close of business on the fifth day after the date of the call for the special primary or special election, excluding Saturdays, Sundays, and legal holidays of this state or the close of business on the fifth Monday prior to the date of the special primary or special election or, if such Monday is a legal holiday, by the close of business on the following business day, whichever is later; except that:
  - (1) If such special primary or special election is held in conjunction with a general primary, general election, or presidential preference primary, the registration deadline for such special primary or special election shall be the same as the registration deadline for the general primary, general election, or presidential preference primary in conjunction with which the special primary or special election is being conducted; or
  - (2) If such special primary or special election is not held in conjunction with a general primary, general election, or presidential preference primary but is held on one of the dates specified in Code Section 21-2-540 for the conduct of special elections to present a question to the voters or special primaries or elections to fill vacancies in elected county or

municipal offices, the registration deadline for such a special primary or election shall be at the close of business on the fifth Monday prior to the date of the special primary or election or, if such Monday is a legal holiday, by the close of business on the following business day.

....

# Hawaii

## Constitution

### Hawaii Constitution, Article II, Section 1

Every citizen of the United States who shall have attained the age of eighteen years, **have been a resident of this State** not less than one year next preceding the election and be a voter registered as provided by law, shall be qualified to vote in any state or local election. (Emphasis added).

### Hawaii Constitution, Article II, Section 3

No person shall be deemed to have gained or lost residence simply because of the person's presence or absence while employed in the service of the United States, or while engaged in navigation or while a student at any institution of learning.

## Statutes

### Hawaii Revised Statutes §11-13:

For the purpose of this title, there can be only one residence for an individual, but in determining residency, a person may treat oneself separate from the person's spouse. The following rules shall determine residency for election purposes only:

- (1) The residence of a person is that place in which the person's habitation is fixed, and to which, whenever the person is absent, the person has the intention to return;
- (2) A person does not gain residence in any precinct into which the person comes without the present intention of establishing the person's permanent dwelling place within such precinct;
- (3) If a person resides with the person's family in one place, and does business in another, the former is the person's place of residence; but any person having a family, who establishes the person's dwelling place other than with the person's family, with the intention of remaining there shall be considered a resident where the person has established such dwelling place;

- (4) The mere intention to acquire a new residence without physical presence at such place, does not establish residency, neither does mere physical presence without the concurrent present intention to establish such place as the person's residence;
  - (5) A person does not gain or lose a residence solely by reason of the person's presence or absence while employed in the service of the United States or of this State, or while a student of an institution of learning, or while kept in an institution or asylum, or while confined in a prison;
  - (6) No member of the armed forces of the United States, the member's spouse or the member's dependent is a resident of this State solely by reason of being stationed in the State;
  - (7) A person loses the person's residence in this State if the person votes in an election held in another state by absentee ballot or in person.
- In case of question, final determination of residence shall be made by the clerk, subject to appeal to the board of registration under part III of this chapter.

**Hawaii Revised Statutes § 11-24:**

- (a) At 4:30 p.m. on the thirtieth day prior to each primary, special primary, or special election, but if the day is a Saturday, Sunday, or holiday then at 4:30 p.m. on the first working day immediately thereafter, the general county register shall be closed to registration for persons seeking to vote at the primary, special primary, or special election and remain closed to registration until after the election, subject to change only as provided in sections 11-21(c), 11-22, 11-25, 11-26, and this section.
- (b) Notwithstanding the closing of the register for registration to vote at the primary or special primary election, the register shall remain open for the registration of persons seeking to vote at the general or special general election, until 4:30 p.m. on the thirtieth day prior to the general or special general election, but if the day is a Saturday, Sunday, or holiday then at 4:30 p.m. on the first working day immediately thereafter, at the end of which period the general county register shall be closed to registration and remain closed until after the general or special general election next following, subject to change only as provided in sections 11-21(c), 11-22, 11-25, and 11-26.

**Hawaii Revised Statutes § 11-15.2:**

- (a) Notwithstanding the closing of the general county register pursuant to section 11-24, a person who is eligible to vote but is not registered to vote may register by appearing in person:
  - (1) Prior to the day of the election, at any absentee polling place established pursuant to section 15-7 in the county associated with the person's residence; or
  - (2) On the day of the election, at the polling place in the precinct associated with the person's residence.

....

# Idaho

## Constitution

### Idaho Constitution, Article VI, Section 2

Every male or female citizen of the United States, eighteen years old, who **has resided in this state** and in the county where he or she offers to vote for the period of time provided by law, if registered as provided by law, is a qualified elector. (Emphasis added).

## Statutes

### Idaho Code Annotated § 34-402:

Every male or female citizen of the United States, eighteen (18) years old, **who has resided in this state** and in the county for thirty (30) days where he or she offers to vote prior to the day of election, if registered within the time period provided by law, is a qualified elector. (Emphasis added).

### Idaho Code Annotated § 34-104:

“Qualified elector” means any person who is eighteen (18) years of age, is a United States citizen and **who has resided in this state** and in the county at least thirty (30) days next preceding the election at which he desires to vote, and who is registered as required by law. (Emphasis added).

### Idaho Code Annotated § 34-107:

- (1) “Residence,” for voting purposes, shall be the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his habitation is fixed and to which a person, whenever he is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of absence.
- (2) In determining what is a principal or primary place of abode of a person the following circumstances relating to such person may be taken into account: business pursuits, employment, income sources,

residence for income or other tax pursuits, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, situs of residence for which the exemption in section 63-602G, Idaho Code, is filed, and motor vehicle registration.

- (3) A qualified elector who has left his home and gone into another state or territory or county of this state for a temporary purpose only shall not be considered to have lost his residence.
- (4) A qualified elector shall not be considered to have gained a residence in any county or city of this state into which he comes for temporary purposes only, without the intention of making it his home but with the intention of leaving it when he has accomplished the purpose that brought him there.
- (5) If a qualified elector moves to another state, or to any of the other territories, with the intention of making it his permanent home, he shall be considered to have lost his residence in this state.

#### **Idaho Code § 34-408**

- (1) No elector may register in the office of the county clerk within twenty-four (24) days preceding any election held throughout the county in which he resides for the purpose of voting at such election; provided however, a legible, accurate and complete registration application received in the office of the county clerk during the twenty-four (24) day period preceding an election shall be accepted and held by the county clerk until the day following the election when registration reopens, at which time the registration shall become effective. This deadline shall also apply to any registrars the county clerk may have appointed.
- (2) Any elector who will complete his residence requirement or attain the requisite voting age during the period when the register of electors is closed may register prior to the closing of the register.

....

#### **Idaho Code § 34-408A**

An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

- (1) Showing an Idaho driver's license or Idaho identification card issued through the department of transportation; or
- (2) Showing any document which contains a valid address in the precinct together with a picture identification card; or
- (3) Showing a current valid student photo identification card from a postsecondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct.

Election day registration provided in this section shall apply to all elections conducted under title 34, Idaho Code, and to school district and municipal elections. . . .

# Illinois

## Constitution

### Illinois Constitution, Article III, Section 1

Every United States citizen who has attained the age of 18 or any other voting age required by the United States for voting in State elections and **who has been a permanent resident of this State for at least 30 days** next preceding any election shall have the right to vote at such election. The General Assembly by law may establish registration requirements and require permanent residence in an election district not to exceed thirty days prior to an election. The General Assembly by law may establish shorter residence requirements for voting for President and Vice-President of the United States. (Emphasis added).

## Statutes

### Illinois Compiled Statutes, 10 ILCS 5/3-1:

Every person (i) **who has resided in this State** and in the election district 30 days next preceding any election therein, or (ii) **who has resided in** and is registered to vote from the election district 30 days next preceding any election therein and has moved to another election district in this State within said 30 days and has made and subscribed to the affidavit provided in paragraph (b) of Section 17-10 of this Act [10 ILCS 5/17-10], or (iii) **who has resided in** and is registered to vote from the election district 30 days next preceding any election therein and has not moved to another residence but whose address has changed as a result of implementation of a 9-1-1 emergency telephone system and has made and subscribed to the affidavit provided in subsection (a) of Section 17-10, and who is a citizen of the United States, of the age of 18 or more years is entitled to vote at such election for all offices and on all propositions. Any military establishment within the boundaries of Illinois is “in this State” even though the government of the United States may have exclusive jurisdiction over such establishment. (Emphasis added).

## Illinois Compiled Statutes, 10 ILCS 5/3-2

- (a) A permanent abode is necessary to constitute a residence within the meaning of Section 3-1 [10 ILCS 5/3-1]. No elector or spouse shall be deemed to have lost his or her residence in any precinct or election district in this State by reason of his or her absence on business of the United States, or of this State. Nothing in this Section shall be construed to prevent homeless individuals from registering to vote under the provisions of this Act.

....

### Annotations:

A permanent abode only requires the intent to remain for the present, not the intent to remain on a permanent basis; however if the individual leaves and has an unconditional intent not to return the status is lost, even if the individual may not have a new permanent abode. *See Dillavou v. Cty. Officers Electoral Bd.*, 632 N.E.2d 1127 (1994); *Stein v. County Board of School Trustees*, 229 N.E.2d 165 (1967); 1992 Op. Atty. Gen. (92-014).

### Illinois voter registration deadlines

In Illinois, voter registration statutes are broken up by the population of the counties. In counties with a population less than 500,000, registration applications must be delivered before the 27th day prior to the general election. 10 ILCS 5/4-10. These counties also have grace period voting, which allows registration after the 27th day deadline until election day, but these voters get a 'grace period ballot' which are added to the totals after they have been determined to be valid. 10 ILCS 5/4-50. In counties with a population greater than 500,000, applications for registration must be made before the Monday of the third week prior to the election date. 10 ILCS 5/5-10. Grace period voting is the same in these counties. 10 ILCS 5/5-50. In cities, villages and incorporated towns with fewer than 200,000 residents, there is no registration during the 27 days preceding an election. Cities, villages, and incorporated towns with 200,000 or more inhabitants there is no registration during the 35 days, except that if there is no precinct registration, it can be done up to 27 days before. 10 ILCS 5/6-29. These cities, towns, and villages have the same option for grace period voting as the others. 10 ILCS 5/6-100. The Illinois Secretary of State's "Registering to vote in Illinois" states that registration is open year round except during the 27 day period prior to an

election, and makes no qualifiers as to size of the county, city, town, or village.

# Indiana

## Constitution

### Indiana Constitution, Article II, Section 2, as amended

- (a) A citizen of the United States who is at least eighteen (18) years of age and **who has been a resident** of a precinct thirty (30) days immediately preceding an election may vote in that precinct at the election.
- (b) A citizen may not be disenfranchised under subsection (a), if the citizen is entitled to vote in a precinct under subsection (c) or federal law.
- (c) The General Assembly may provide that a citizen who ceases to be a resident of a precinct before an election may vote in a precinct where the citizen previously resided if, on the date of the election, the citizen's name appears on the registration rolls for the precinct.

(Emphasis added).

## Statutes

### Burns' Indiana Code Annotated § 3-5-2-42.5:

"Residence" means the place:

- (1) Where a person has the person's true, fixed, and permanent home and principal establishment; and
- (2) To which the person has, whenever absent, the intention of returning.

### Burns Indiana Code Annotated § 3-7-13-11

A person desiring to register or transfer a registration may do so at the office of the circuit court clerk or board of registration through the close of business on the twenty-ninth day before the election is scheduled to occur.

**Annotations:**

***Brownlee v. Duguid*, 93 Ind. App. 266 (1931) (Defining “resident” as someone having “bodily residence in a place coupled with an intention to make such place a home, which establishes a domicile or residence.”)**

# Iowa

## Constitution

### Iowa Constitution, Article II, Section 1, as amended

Every citizen of the United States of the age of twenty-one years, **who shall have been a resident of this state** for such period of time as shall be provided by law and of the county in which he claims his vote for such period of time as shall be provided by law, shall be entitled to vote at all elections which are now or hereafter may be authorized by law. The general assembly may provide by law for different periods of residence in order to vote for various officers or in order to vote in various elections. The required periods of residence shall not exceed six months in this state and sixty days in the county. (Emphasis added).

## Statutes

### Iowa Code § 48A.5 [Effective Jan 1, 2019]:

1. An eligible elector wishing to vote in elections in Iowa shall register to vote as required by this chapter.
2. To be qualified to register to vote an eligible elector shall:
  - a. Be a citizen of the United States.
  - b. Be an Iowa resident. A person's residence, for voting purposes only, is the place which the person declares is the person's home with the intent to remain there permanently or for a definite, or indefinite or indeterminable length of time. A person who is homeless or has no established residence may declare residence in a precinct by describing on the voter registration form a place to which the person often returns.
  - c.
    - (1) Be at least eighteen years of age. However, for purposes of voting in the primary election, an eligible elector shall be at least eighteen years of age on the date of the respective general election or city election.

Completed registration forms shall be accepted from registrants who are at least seventeen years of age. For an election other than a primary election, the registration shall not be effective until the registrant reaches the age of eighteen. The commissioner of registration shall ensure that the birth date shown on the registration form is at least seventeen years earlier than the date the registration is processed.

- (2) A registrant who is at least seventeen years of age and who will be eighteen by the date of a pending election is a registered voter for the pending election for purposes of chapter 53. For purposes of voting in a primary election under chapter 43, a registrant who will be at least eighteen years of age by the date of the respective general election or city election is a registered voter for the pending primary election.
- d. Not claim the right to vote in more than one place. A registrant shall be presumed to revoke any earlier claim of residence for voter registration purposes.
- ....

#### **Iowa Code § 48A.9:**

- 1. Registration closes at 5:00 p.m. eleven days before each election except general elections. For general elections, registration closes at 5:00 p.m. ten days before the election. An eligible elector may register during the time registration is closed in the elector's precinct but the registration shall not become effective until registration opens again in the elector's precinct, except as otherwise provided in section 48A.7A.
- ....

#### **Iowa Code § 48A.7A:**

- 1.
  - a. A person who is eligible to register to vote and to vote may register on election day by appearing in person at the polling place for the precinct in which the individual resides and completing a voter registration application, making written oath, and providing proof of identity and residence. . . .

# Kansas

## Constitution

### Kansas Constitution, Article 5, Section 1,

Every citizen of the United States who has attained the age of eighteen years **and who resides in the voting area** in which he or she seeks to vote shall be deemed a qualified elector. Laws of this state relating to voting for presidential electors and candidates for the office of president and vice-president of the United States shall comply with the laws of the United States relating thereto. A citizen of the United States, who is otherwise qualified to vote in Kansas for presidential electors and candidates for the offices of president and vice-president of the United States may vote for such officers either in person or by absentee ballot notwithstanding the fact that such person may have become a nonresident of this state if his or her removal from this state occurs during a period in accordance with federal law next preceding such election. A person who is otherwise a qualified elector may vote in the voting area of his or her former residence either in person or by absentee ballot notwithstanding the fact that such person may have become a nonresident of such voting area during a period prescribed by law next preceding the election at which he or she seeks to vote, if his new residence is in another voting area in the state of Kansas. (Emphasis added).

## Statutes

### Kansas Statutes Annotated § 25-407:

The judges of election, in determining the residence of a person offering to vote, shall be governed by this section. “Residence” means the place adopted by a person as such person’s place of habitation, and to which, whenever such person is absent, such person has the intention of returning.

### Kansas Statutes Annotated § 25-2311:

- (a) County election officers shall provide for the registration of voters at one or more places on all days except the following:

- (1) Days when the main offices of the county government are closed for business, except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;
- (2) days when the main offices of the city government are closed for business, in the case of deputy county election officers who are city clerks except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;
- (3) the 20 days preceding the day of primary and general elections;
- (4) the 20 days preceding the day of any election other than one specified in this subsection; and
- (5) the day of any primary or general election or any question submitted election.

....

**Annotations:**

*Winsor v. Hartford Fire Ins. Co.*, 628 P.2d 1076 (1981) (A person may maintain a “permanent residence” for voting purposes indefinitely at someone else’s home...)

# Kentucky

## Constitution

### Kentucky Constitution, Section 145, as amended

Every citizen of the United States of the age of eighteen years **who has resided in the state one year**, and in the county six months, and the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere but the following persons are excepted and shall not have the right to vote.

1. Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon.
2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.
3. Idiots and insane persons.

(Emphasis added).

## Statutes

### Kentucky Revised Statutes § 116.025:

- (1) **Every person who is a resident of this state** and the precinct in which he or she offers to vote on or before the day preceding the closing of the registration books for any primary, general, or special election, who possesses on the day of any election the qualifications set forth in Section 145 of the Constitution, exclusive of the durational residency requirements, who is not disqualified under that section or under any other statute, and who is registered as provided in this chapter, may vote for all officers to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he or she is qualified to vote. Any person who shall have been convicted of any election law

offense which is a felony shall not be permitted to vote until his or her civil rights have been restored by executive pardon.

- (2) Any person charged with or indicted for a crime, whether or not in custody for same, who has not yet been convicted of the offense and who is not otherwise ineligible to vote, may vote for all offices to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he or she is qualified to vote.
- (3) A registered voter who changes his or her place of residence from one (1) precinct to another within the same county while the registration books are closed shall be permitted to update the voting records and to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(3).
- (4) Notwithstanding any provision of law to the contrary, any registered voter who changes his or her place of residence from one (1) precinct to another within the same county prior to the closing of the registration books and who fails to transfer his or her registration with the county clerk prior to the date the registration books are closed shall be permitted to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(2).
- (5) Any registered voter who changes his or her place of residence to a different county while the registration books are closed shall be permitted to vote at the appropriate precinct for his or her former residence in the present election and shall thereafter transfer his or her voter registration.
- (6) Any registered voter who changes his or her place of residence to a different county and fails to register to vote in the county of current residence prior to the date the registration books are closed shall not be eligible to vote in the present election in the county of current residence or the county of former residence.
- (7) Any registered voter who changes his or her place of registration to a different state while the registration books are closed in the new

state of residence before a presidential election shall be permitted to cast an absentee ballot for President and Vice President only, notwithstanding subsection (1) of this section, by mail or at the county clerk's office of the former residence or other place designated by the county board of elections and approved by the State Board of Elections.

(Emphasis added).

**Kentucky Revised Statutes § 116.035:**

The following rules, so far as applicable, shall be observed in determining the residence of a person offering to vote:

- (1) A voter's residence shall be deemed to be at the place where his or her habitation is, and to which, when absent, he or she has the intention of returning;
- (2) A voter shall not lose his or her residence by absence for temporary purposes merely; nor shall he or she obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making that county or precinct his or her home;
- (3) A voter shall lose his or her residence by removal to another state or county with intention to make his or her permanent residence there, or by removal to and residence in another state, with intention to reside there an indefinite time, or by voting there, even though he or she may have had the intention to return to this state at some future period;
- (4) The place where the family of a married person resides shall generally be considered his or her residence, unless the family so resides for a temporary purpose. If his family is permanently in one (1) place, and he or she transacts business in another, the former shall be the residence.

**Kentucky Revised Statutes § 116.045:**

- (2) The county clerk shall cause all registration to be closed the fourth Tuesday preceding through the first Monday following any primary or general election, and the twenty-eight (28) days prior to and seven (7) days following any special election. If the last day of registration falls on a state or federal holiday, the period runs until

the end of the next day which is not a Saturday or Sunday nor a state or federal holiday. During the period that registration is closed, the county clerk may accept and process registrations. Any voter who registers during the period that registration is closed, except for any registered voter who transfers his or her registration pursuant to KRS 116.085(2) or (3), shall not be permitted to vote in the upcoming election.

# Louisiana

## Constitution

### Constitution of the State of Louisiana of 1974, Article I, Section 10

- A. Right to Vote. — **Every citizen of the state**, upon reaching eighteen years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

. . . . (Emphasis added).

## Statutes

### Louisiana Revised Statutes § 18:101:

- A.
- (1) Every citizen of Louisiana who is at least eighteen years of age or will attain that age on or before the next election, **is an actual bona fide resident of this state**, and the parish, municipality, if any, and precinct in which he offers to register as a voter, is not disfranchised, and who complies with the provisions of this Chapter shall be eligible to register to vote in local, state and national elections held in this state.
  - (2) Any person age seventeen and who is otherwise qualified to vote may register to vote at any time prior to the first election at which he shall have attained the age of eighteen years. However, no one, under the age of eighteen years shall be permitted to vote in any election.
  - (3) A person who is sixteen years of age may register to vote in the manner provided in R.S. 18:114(B)(1) or by making application in person at the office of the registrar of voters. However, no one under the age of eighteen years shall be permitted to vote in any election.
- B. For purposes of the laws governing voter registration and voting, “resident” means a citizen who resides in this state and in the parish,

municipality, if any, and precinct in which he offers to register and vote, with an intention to reside there indefinitely. If a citizen resides at more than one place in the state with an intention to reside there indefinitely, he may register and vote only at one of the places at which he resides. If a person claims a homestead exemption, pursuant to Article VII, Section 20 of the Constitution of Louisiana, on one of the residences, he shall register and vote in the precinct in which that residence is located, except that a person who resides in a nursing home as defined in R.S. 40:2009.2 or in a veterans' home operated by the state or federal government may register and vote at the address where the nursing home or veterans' home is located. For purposes of voter registration and voting, the residence of a married woman shall be determined in the same manner as is required for any other citizen. A citizen of this state shall not be or remain registered or vote in more than one place of residence at any one time.

- C. Any bona fide full-time student attending an institution of higher learning in this state may choose as his residence and may register to vote either at the place where he resides while attending the institution or at the place where he resides when not attending such institution, but he shall not have more than one residence at any one time for purposes of registering to vote. Such a student need not have an intent to reside indefinitely at the place where he offers to register.
- D. A person who is otherwise qualified to vote in this state, who has begun residence in another state or another political subdivision of this state after the close of the registration records pursuant to R.S. 18:135 for an election for president and vice president of the United States or for electors for president and vice president and who for that reason does not satisfy the registration requirements set forth in this Chapter, may vote in such an election:
  - (1) In person in the place in this state where he resided immediately before his removal, if he satisfied the requirements to vote in that place as of the date of his change of residence, or
  - (2) By absentee by mail ballot in the place in this state where he resided immediately prior to his removal, if he satisfies the requirements for absentee by mail voting in that place except for his nonresident status and the reasons for his absence.
- E.
  - (1) A citizen of the United States residing outside the United States who was domiciled in this state immediately prior to his

departure from the United States and who is at least eighteen years of age or will attain that age on or before the next national election, and who is not disfranchised, shall be eligible to register absentee and vote absentee by mail if he meets the following qualifications:

- (a) He has complied with the registration procedures set forth in this Title;
  - (b) He does not maintain a domicile, is not registered to vote, and is not voting in any other state or election district of another state or territory or in any territory or possession of the United States; and
  - (c) He has a valid passport or card of identity and registration issued under the authority of the secretary of state of the United States, or if he does not have a valid passport or card of identity and registration, he has a certified copy of a birth certificate or a naturalization certificate and a proof of identity, such as a vehicle operator's license or an expired passport, that includes a photograph and handwritten signature. A short-form birth certification card shall be acceptable as a certified copy of the birth certificate.
- (2) A certain intent to return to the state of Louisiana shall not be necessary. Such person shall be eligible to register and vote for any candidate.
- F. A person who has been involuntarily displaced from his place of residence by the effects of a gubernatorially declared state of emergency shall not be considered to have vacated his residence and shall be considered to be an actual bona fide resident of the state and parish in which he is registered to vote unless any of the following occurs:
- (1) He changes his registration address.
  - (2) He claims a homestead exemption pursuant to Article VII, Section 20 of the Constitution of Louisiana on a different residence.

(Emphasis added).

**Louisiana Revised Statutes § 18:135:**

A.

- (1) Registrars shall close the registration records thirty days prior to an election. However, if the deadline falls on a legal holiday, the registrars shall close the registration records on the first day after such holiday which is not a Saturday, Sunday, or other legal holiday.

....

- (3) Notwithstanding the provisions of Paragraph (1) of this Subsection, registrars shall close the registration records twenty days prior to an election for a person who makes application pursuant to R.S. 18:115.1 to register to vote or to make changes to an existing registration and who has been informed, pursuant to R.S. 18:115.1(C)(4)(b), that his application has been electronically forwarded to the appropriate registrar of voters.

....

**Annotation:** La. R.S. § 18:115.1 permits valid Louisiana driver's license holders and valid Louisiana special identification card holders to register online via the secretary of state's website.

# Maine

## Constitution

### Constitution of the State of Maine, Article II, Section 1

Every citizen of the United States of the age of 18 years and upwards, excepting persons under guardianship for reasons of mental illness, **having his or her residence established in this State**, shall be an elector for Governor, Senators and Representatives, in the city, town or plantation where his or her residence has been established, if he or she continues to reside in this State; and the elections shall be by written ballot. But persons in the military, naval or marine service of the United States, or this State, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack or military place, in any city, town or plantation; nor shall the residence of a student at any seminary of learning entitle the student to the right of suffrage in the city, town or plantation where such seminary is established. No person, however, shall be deemed to have lost residence by reason of the person's absence from the state in the military service of the United States, or of this State.

INDIANS. Every Indian, residing on tribal reservations and otherwise qualified, shall be an elector in all county, state and national elections.

(Emphasis added).

## Statutes

### Maine Revised Statutes, 21-A M.R.S. § 112:

Voting residence is governed by the following provisions.

1. Residence. The residence of a person is that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return.
  - A. The following factors may be offered by an applicant and considered by a registrar in determining a person's residence under this section. The registrar need not find all of these factors

to be present in order to conclude that an applicant qualifies to register to vote in the municipality:

- (1) A direct statement of intention by the person pursuant to section 121, subsection 1;
- (2) The location of any dwelling currently occupied by the person;
- (3) Deleted. Laws 1993, c. 695, § 2.
- (4) Deleted. Laws 1993, c. 695, § 2.
- (5) Deleted. Laws 1993, c. 695, § 2.
- (6) The place where any motor vehicle owned by the person is registered;
- (7) Deleted. Laws 1993, c. 695, § 2.
- (8) The residence address, not a post office box, shown on a current income tax return;
- (9) The residence address, not a post office box, at which the person's mail is received;
- (10) The residence address, not a post office box, shown on any current resident hunting or fishing licenses held by the person;
- (11) Deleted. Laws 1993, c. 695, § 2.
- (12) The residence address, not a post office box, shown on any motor vehicle operator's license held by the person;
- (13) Deleted. Laws 1993, c. 695, § 2.
- (14) The receipt of any public benefit conditioned upon residency, defined substantially as provided in this subsection; or
- (15) Deleted. Laws 1993, c. 695, § 2.
- (16) Any other objective facts tending to indicate a person's place of residence.

B. Deleted. Laws 1993, c. 695, § 2.

2. Change. A change of residence is made only by the act of removal, joined with the intent to remain in another place. A person can have only one residence at any given time.
3. Residence retained. A person does not lose the person's residence if the person temporarily leaves home and goes to another country, state or place in this State with the intent of returning.
4. Separate residence. The place where a person's family resides is presumed to be the person's place of residence, but a person may acquire a separate residence if the person takes another abode with the intention of remaining there. This subsection does not apply to

uniformed service voters, students and others covered by subsection 7.

5. Spouse may have separate residence. A married person may be considered to have a residence separate from that of the person's spouse for the purposes of voting or holding office. For those purposes, residence is determined as if the person were single.
6. Voting in another state. A person loses the person's voting residence in this State if the person registers to vote in another state or votes in another state's election, either in person or by absentee ballot. That person is not eligible to register or vote in this State until the person again qualifies under section 111.
7. Uniformed service voters, students, institutional patients, indians. A person does not gain or lose a residence solely because of the person's presence or absence while employed in the uniformed service or the merchant marine of the United States, while a student in any institution of learning, while kept in any institution at public expense or while residing upon any Indian or military reservations. This subsection may not be construed to prevent a student at any institution of learning from qualifying as a voter in the municipality where the student resides while attending that institution.
8. Voting residence retained. A person who has gained a voting residence in a municipality retains it, if the person so desires, when the person becomes a patient at a federal institution or an employee of a federal agency where the person is required to reside on land ceded to the Federal Government by the State. This subsection applies to a member of the uniformed service, merchant marine or the National Guard who is required to be in a place other than that in which the person has gained a voting residence.
9. Federal property. A person residing on federal property, except as stated in subsection 5, is eligible to register and vote in the voting district in which the federal property is located.
10. Becoming 18 on federal property. A person who becomes 18 years of age while residing on federal property as a patient at a federal institution or an employee of a federal agency, or while in the uniformed service, is considered to have gained a voting residence in the municipality in which the person resided at the time the person became such a patient, employee or member of the uniformed service.
11. Spouse of member of uniformed service or merchant marine. A person may have the same voting residence as that person's spouse

who is a member of the uniformed service or merchant marine. A member of the uniformed service or merchant marine on active duty, whose spouse has a place of residence in this State, may establish a residence in the place of residence of the spouse by filing an affidavit with the registrar declaring an intention to reside in that place upon severance from the uniformed service or merchant marine.

12. Repealed. Laws 1985, c. 614, § 5.
13. Repealed. Laws 1985, c. 614, § 5.
14. Persons incarcerated in correctional facilities. The residence of a person incarcerated in a correctional facility, as defined in Title 34-A, section 1001, or in a county jail does not include the municipality where a person is incarcerated unless the person had resided in that municipality prior to incarceration.  
A person incarcerated in a correctional facility may apply to register to vote in any municipality where that person has previously established a fixed and principal home to which the person intends to return.
15. Nontraditional residence. A person may have a nontraditional residence, including, but not limited to a shelter, park or underpass. A person's residency is not subject to challenge on the sole basis that the person has a nontraditional residence.

#### **21-A Maine Revised Statutes § 121-A:**

The deadline for receipt of voter registration applications submitted by mail or by a 3rd person is the close of business on the 21st day before election day. The deadline for in-person registration is the close of the polls on election day.

# Maryland

## Constitution

### Constitution of Maryland, Article I, Section 1, as amended

All elections shall be by ballot. Except as provided in Section 2A or Section 3 of this article, every citizen of the United States, of the age of 18 years or upwards, **who is a resident of the State** as of the time for the closing of registration next preceding the election, shall be entitled to vote in the ward or election district in which the citizen resides at all elections to be held in this State. A person once entitled to vote in any election district, shall be entitled to vote there until the person shall have acquired a residence in another election district or ward in this State. (Emphasis added).

### Constitution of Maryland, Article I, Section 2A

The General Assembly shall have the power to allow a qualified individual to register and vote at a precinct polling place on Election Day.

## Statutes

### Maryland Election Law Code Annotated § 3-102:

- (a) In general. --
  - (1) Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:
    - (i) is a citizen of the United States;
    - (ii) is at least 16 years old;
    - (iii) is a resident of the State as of the day the individual seeks to register; and
    - (iv) registers pursuant to this title.
  - (2) Notwithstanding paragraph (1)(ii) of this subsection, an individual under the age of 18 years:
    - (i) may vote in a primary election in which candidates are nominated for a general or special election that will occur when the individual is at least 18 years old; and
    - (ii) may not vote in any other election.

- (b) Exceptions. -- An individual is not qualified to be a registered voter if the individual:
  - (1) has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction;
  - (2) is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process; or
  - (3) has been convicted of buying or selling votes.

**Maryland Election Law Code § 3-302:**

- (a) When registration is closed. -- Except as provided under § 3-305 of this subtitle, registration is closed beginning at 9 p.m. on the 21st day preceding an election until the 11th day after that election.

....

**Maryland Election Law Code § 3-305:**

- (a) In general. -- During early voting, an individual may appear in person at an early voting center in the individual's county of residence and apply to register to vote or change the voter's address on an existing voter registration.
- (b) Requirements for proof of residency. --
  - (1) When applying to register to vote during early voting, the applicant shall provide proof of residency.
  - (2) The applicant shall prove residency by showing the election judge:
    - (i) a Maryland driver's license or Maryland identification card that contains the applicant's current address; or
    - (ii) if the applicant does not have a driver's license or identification card that contains the applicant's current address, a copy of an official document that:
      - 1. meets the requirements established by the State Board; and
      - 2. contains the applicant's name and current address.

....

**Annotations:**

***Howard v. Skinner*, 87 Md. 556 (1898) (Residence, as contemplated by the framers of our Constitution, for political or voting purposes, means a place of fixed present domicile.)**

Maryland voters approved a ballot measure allowing for Election Day registration. The legislature has not yet written the final provision.

# Massachusetts

## Constitution

### Massachusetts Constitution or Form of Government, Part 1, Article IX

All elections ought to be free; and **all the inhabitants of this commonwealth**, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments. (Emphasis added).

## Statutes

### Annotated laws of Massachusetts GL ch. 51, § 1:

Every citizen eighteen years of age or older, not being a person under guardianship or incarcerated in a correctional facility due to a felony conviction, and not being temporarily or permanently disqualified by law because of corrupt practices in respect to elections, **who is a resident in the city or town where he claims the right to vote at the time he registers**, and who has complied with the requirements of this chapter, may have his name entered on the list of voters in such city or town, and may vote therein in any such election, or except insofar as restricted in any town in which a representative town meeting form of government has been established, in any meeting held for the transaction of town affairs. Notwithstanding any special law to the contrary, every such citizen who resides within the boundaries of any district, as defined in section one A of chapter forty-one, may vote for district officers and in any district meeting thereof, and no other person may so vote. A person otherwise qualified to vote for national or state officers shall not, by reason of a change of residence within the commonwealth, be disqualified from voting for such national or state officers in the city or town from which he has removed his residence until the expiration of 6 months from such removal. (Emphasis added).

**Annotated laws of Massachusetts GL ch. 51, § 26:**

As used in this section and section forty-two H, “election” shall include every state, city or town primary, preliminary election, election, or town meeting. The registrars, for the purpose of registering voters, shall hold such day and evening sessions as the town, by by-law, or the city, by ordinance, shall prescribe and such other sessions at locations as they deem necessary to allow voters to register and they may for such purposes, use mobile registration units; provided, however, that except as provided in sections thirty-four and fifty, registration for the next election shall take place no later than eight o’clock in the evening on the twentieth day preceding such election and no later than eight o’clock in the evening on the tenth day preceding a special town meeting. Mailed affidavits of registration postmarked before midnight on the final day to register for an election shall be effective for such election, as provided in section forty-two G. If a postmark is unclear or illegible, a mailed affidavit shall be accepted until the fifth day after the final day to register. In any city or town in which the annual city or town election is held on the first Monday in March, in a year when the presidential primary is held, the registration sessions held by the election commissioners or registrars of voters in preparation for the city or town election shall also serve as registration sessions for the primary. If any person applies for registration during a period prior to a regular or special preliminary, primary or election when registration to qualify as a voter in such preliminary, primary or election is prohibited by the provisions of this section, such person, if otherwise qualified, shall be registered and his name shall be placed on the voting lists as a registered voter for all later preliminaries, primaries or elections.

# Michigan

## Constitution

### Constitution of the State of Michigan, Article II, Section 1, as revised

Every citizen of the United States who has attained the age of 21 years, **who has resided in this state** six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes. (Emphasis added).

### Annotations:

Convention Comment:

This is a revision of Secs 1, 2 and 3, Article III, of the present [1908] constitution to eliminate a mass of legislative matter which has accumulated in the constitution since the Article on Elections was first written in the Constitution of 1835.

The section maintains the age requirement of 21 years for electors and the six months' state residence requirement. A major feature of the section is found in the last sentence which reposes in the legislature the duty of defining residence for voting purposes. The convention has determined that it is not possible to define residence in a manner which will offer any assurance of future adequacy and has therefore left the matter to the legislature, as one of its continuing responsibilities in the field of elections. The section does not limit the legislature's authority to establish a local residence requirement.

## Statutes

### Michigan Compiled Laws Service § 168.10:

- (1) Except as provided in subsection (2), the term "qualified elector", as used in this act, means a person who possesses the qualifications of an

elector as prescribed in section 1 of article II of the state constitution of 1963 and who has resided in the city or township 30 days.

- (2) For purposes of an election for the office of judge of a municipal court that exercises jurisdiction over another city pursuant to section 9928(3) of the revised judicature act of 1961, 1961 PA 236, MCL 600.9928, qualified elector includes a person who meets the constitutional qualifications described in subsection (1) and has resided for 30 days in the other city over which municipal court jurisdiction is exercised. This subsection does not entitle a person to vote on any ballot question except the office of municipal judge under the circumstances prescribed in this subsection.

#### **Michigan Compiled Laws Service § 168.492:**

Each individual who has the following qualifications of an elector is entitled to register as an elector in the township or city in which he or she resides. The individual must be a citizen of the United States; not less than 17-1/2 years of age; **a resident of this state**; and a resident of the township or city. (Emphasis added).

#### **Michigan Compiled Laws Service § 168.497**

- (1) A person who is not registered but possesses the qualifications of an elector as set forth in section 492, may apply for registration to the clerk of the county, township, city, or village in which he or she resides on a day other than Saturday, Sunday, a legal holiday, or the day of a regular, primary, school, or special election.

....

#### **Michigan Compiled Laws Service § 168.499e**

- (1) The clerk of a city or township shall be present or have a deputy clerk be present at the clerk's office at all times a polling place is open on election day to receive and process voter registration applications.
- (2) Immediately after approving a voter registration application under this section, the clerk or deputy clerk shall prepare a registration card or an insert to a registration list in a form prescribed by the secretary of state. In addition, the clerk or deputy clerk shall provide to the individual

registering to vote a voter registration receipt that is in a form as approved by the secretary of state.

- (3) The clerk shall prepare and send a voter identification card in the manner prescribed for corrected voter identification cards in section 499 as soon as practical after the election.

# Minnesota

## Constitution

### Constitution of the State of Minnesota, Article VII, Section 1

- (a) Every person 18 years of age or more who has been a citizen of the United States for three months **and who has resided in the precinct for 30 days next preceding** an election shall be entitled to vote in that precinct. The place of voting by one otherwise qualified who has changed his residence within 30 days preceding the election shall be prescribed by law. The following persons shall not be entitled or permitted to vote at any election in this state: A person not meeting the above requirements; a person who has been convicted of treason or felony, unless restored to civil rights; a person under guardianship, or a person who is insane or not mentally competent.
- (b) All voters voting in person must present valid government-issued photographic identification before receiving a ballot. The state must issue photographic identification at no charge to an eligible voter who does not have a form of identification meeting the requirements of this section. A voter unable to present government-issued photographic identification must be permitted to submit a provisional ballot. A provisional ballot must only be counted if the voter certifies the provisional ballot in the manner provided by law.
- (c) All voters, including those not voting in person, must be subject to substantially equivalent identity and eligibility verification prior to a ballot being cast or counted.

(Emphasis added).

### Constitution of the State of Minnesota, Article VII, Section 2

For the purpose of voting no person loses residence solely by reason of his absence while employed in the service of the United States; nor while engaged upon the waters of this state or of the United States; nor while a student in any institution of learning; nor while kept at any almshouse or asylum; nor while confined in any public prison. No soldier, seaman or

marine in the army or navy of the United States is a resident of this state solely in consequence of being stationed within the state.

## **Statutes**

### **Minnesota Statutes § 201.014**

Subdivision 1. Requirements. — Except as provided in subdivision 2, an individual who meets the following requirements at the time of an election is eligible to vote. The individual must:

- (a) be 18 years of age or older;
- (b) be a citizen of the United States; and
- (c) **maintain residence in Minnesota** for 20 days immediately preceding the election.

Subd. 2. Not eligible. — The following individuals are not eligible to vote. Any individual:

- (a) convicted of treason or any felony whose civil rights have not been restored;
- (b) under a guardianship in which the court order revokes the ward's right to vote; or
- (c) found by a court of law to be legally incompetent.

Subd. 3. Penalty. — Any individual who votes who knowingly is not eligible to vote is guilty of a felony.

(Emphasis added).

### **Minnesota Statutes § 201.061**

Subdivision 1. Prior to election day.

- (a) At any time except during the 20 days immediately preceding any regularly scheduled election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a voter registration application as described in section 201.071, subdivision 1. . . .

Subd. 3. Election day registration.

- (a) Election day registration. — An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of residence. . . .

# Mississippi

## Constitution

### Constitution of the State of Mississippi, Article 12, Section 241

Every inhabitant of this state, except idiots and insane persons, who is a citizen of the United States of America, eighteen (18) years old and upward, **who has been a resident of this state** for one (1) year, and for one (1) year in the county in which he offers to vote, and for six (6) months in the election precinct or in the incorporated city or town in which he offers to vote, and who is duly registered as provided in this article, and who has never been convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement or bigamy, is declared to be a qualified elector, except that he shall be qualified to vote for President and Vice President of the United States if he meets the requirements established by Congress therefor and is otherwise a qualified elector. (Emphasis added).

### Annotations:

The requirements for a qualified elector to reside in the state for one year, the county for one year, and the precinct or municipality for six months have been held to be unconstitutional under the Equal Protection Clause of the Fourteenth Amendment to the U. S. Constitution.

## Statutes

### Mississippi Code Annotated § 23-15-11:

Every inhabitant of this state, except persons adjudicated to be non compos mentis, who is a citizen of the United States of America, eighteen (18) years old and upwards, **who has resided in this state** for thirty (30) days and for thirty (30) days in the county in which he or she seeks to vote, and for thirty (30) days in the incorporated municipality in which he or she seeks to vote, and who has been duly registered as an elector under Section 23-15-33, and who has never been convicted of vote fraud or of

any crime listed in Section 241, Mississippi Constitution of 1890, shall be a qualified elector in and for the county, municipality and voting precinct of his or her residence, and shall be entitled to vote at any election upon compliance with Section 23-15-563. If the thirtieth day to register before an election falls on a Sunday or legal holiday, the registration applications submitted on the business day immediately following the Sunday or legal holiday shall be accepted and entered in the Statewide Elections Management System for the purpose of enabling voters to vote in the next election. Any person who will be eighteen (18) years of age or older on or before the date of the general election and who is duly registered to vote not less than thirty (30) days before the primary election associated with the general election, may vote in the primary election even though the person has not reached his or her eighteenth birthday at the time that the person seeks to vote at the primary election. No others than those specified in this section shall be entitled, or shall be allowed, to vote at any election. (Emphasis added).

# Missouri

## Constitution

### Constitution of Missouri, Article VIII, Section 2

All citizens of the United States, including occupants of soldiers' and sailors' homes, over the age of eighteen **who are residents of this state** and of the political subdivision in which they offer to vote are entitled to vote at all elections by the people, if the election is one for which registration is required if they are registered within the time prescribed by law, or if the election is one for which registration is not required, if they have been residents of the political subdivision in which they offer to vote for thirty days next preceding the election for which they offer to vote: Provided however, no person who has a guardian of his or her estate or person by reason of mental incapacity, appointed by a court of competent jurisdiction and no person who is involuntarily confined in a mental institution pursuant to an adjudication of a court of competent jurisdiction shall be entitled to vote, and persons convicted of felony, or crime connected with the exercise of the right of suffrage may be excluded by law from voting. (Emphasis added).

## Statutes

### Revised Statutes of Missouri, § 115.133:

1. Except as provided in subsection 2 of this section, any citizen of the United States **who is a resident of the state of Missouri** and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.
2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote:
  - (1) While confined under a sentence of imprisonment;
  - (2) While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or
  - (3) After conviction of a felony or misdemeanor connected with the right of suffrage.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.

**Revised Statutes of Missouri § 115.135:**

1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, an intrastate new resident, a new resident, or a covered voter, as defined in section 115.275. Except as provided in subsection 4 of this section, in no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

....

# Montana

## Constitution

### Constitution of the State of Montana, Article IV, Section 2

Any citizen of the United States 18 years of age or older **who meets the registration and residence requirements** provided by law is a qualified elector unless he is serving a sentence for a felony in a penal institution or is of unsound mind, as determined by a court. (Emphasis added).

## Statutes

### Montana Code Annotated, 13-1-111:

- (1) A person may not vote at elections unless the person is:
  - (a) registered as required by law;
  - (b) 18 years of age or older;
  - (c) **a resident of the state of Montana** and of the county in which the person offers to vote for at least 30 days, except as provided in 13-2-514; and
  - (d) a citizen of the United States.
- (2) A person convicted of a felony does not have the right to vote while the person is serving a sentence in a penal institution.
- (3) A person adjudicated to be of unsound mind does not have the right to vote unless the person has been restored to capacity as provided by law.

(Emphasis added).

### Montana Code Annotated, 13-2-301, MCA

- (1) The election administrator shall:
  - (a) close regular registrations for 30 days before any election; and
  - (b) publish a notice specifying the day regular registrations will close and the availability of the late registration option provided for in 13-2-304 in a newspaper of general circulation in the county at least three times in the 4 weeks preceding the close of registration or

broadcast a notice on radio or television as provided in 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the largest number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third publication or broadcast of the notice.

**Montana Code Annotated, 13-2-304, MCA**

- (1) Except as provided in subsection (2), the following provisions apply:
  - (a) An elector may register or change the elector's voter registration information after the close of regular registration as provided in 13-2-301 and vote in the election if the election administrator in the county where the elector resides receives and verifies the elector's voter registration information prior to the close of the polls on election day.
  - (b) Late registration is closed from noon to 5 p.m. on the day before the election.
  - (c) Except as provided in 13-2-514(2)(a) and subsection (1)(d) of this section, an elector who registers or changes the elector's voter information pursuant to this section may vote in the election only if the elector obtains the ballot from and returns it to the location designated by the county election administrator.
  - (d) With respect to an elector who registers late pursuant to this section for a school election conducted by a school clerk, the elector may vote in the election only if the elector obtains from the county election administrator a document, in a form prescribed by the secretary of state, verifying the elector's late registration. The elector shall provide the verification document to the school clerk, who shall issue the ballot to the elector and enter the verification document as part of the official register.
- (2) If an elector has already been issued a ballot for the election, the elector may change the elector's voter registration information only if the original voted ballot has not been received at the county election office, or received by the school district if the district is administering the election, and if the original ballot that was issued is marked by the issuing county as void in the statewide voter registration system, or by the school district if the district is administering the election, prior to the change.

**Annotations:**

13-2-514, MCA provides for an elector who changes residence to a different county within the state.

# Nebraska

## Constitution

### Nebraska Constitution, Article VI, Section 1

Every citizen of the United States who has attained the age of eighteen years on or before the first Tuesday after the first Monday in November **and has resided within the state and the county and voting precinct for the terms provided by law shall**, except as provided in section 2 of this article, be an elector for the calendar year in which such citizen has attained the age of eighteen years and for all succeeding calendar years. (Emphasis added).

## Statutes

### R.R.S. Neb. § 32-110:

Elector shall mean a citizen of the United States **whose residence is within the state** and who is at least eighteen years of age or is seventeen years of age and will attain the age of eighteen years on or before the first Tuesday after the first Monday in November of the then current calendar year. (Emphasis added).

### R.R.S. Neb. § 32-116:

Residence shall mean (1) that place in which a person is actually domiciled, which is the residence of an individual or family, with which a person has a settled connection for the determination of his or her civil status or other legal purposes because it is actually or legally his or her permanent and principal home, and to which, whenever he or she is absent, he or she has the intention of returning, (2) the place where a person has his or her family domiciled even if he or she does business in another place, and (3) if a person is homeless, the county in which the person is living. No person serving in the armed forces of the United States shall be deemed to have a residence in Nebraska because of being stationed in Nebraska.

**R.R.S. Neb. § 32-302:**

The office of the election commissioner or county clerk shall remain open during the usual business days of the year for purposes of general registration and revision and for the transaction of the business of the office. Such registration and revision shall be carried on at all times during the regular business hours of the office of the election commissioner or county clerk ending at 6 p.m. on the second Friday preceding any election. The election commissioner or county clerk may, during any of the seven days immediately preceding the deadline for registration, cause his or her office to be open at times in addition to the hours during which it is required by law to be open in order for electors to register to vote. The office of the election commissioner or county clerk shall be a designated voter registration agency for purposes of section 7 of the National Voter Registration Act of 1993, 42 U.S.C. 1973gg-5, as such section existed on March 11, 2008.

# Nevada

## Constitution

### Nevada Constitution Article 2, Section 1:

All citizens of the United States (not laboring under the disabilities named in this constitution) of the age of eighteen years and upwards, who shall have actually, and not constructively, **resided in the state six months, and in the district or county thirty days next** preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; provided, that no person who has been or may be convicted of treason or felony in any state or territory of the United States, unless restored to civil rights, and no person who has been adjudicated mentally incompetent, unless restored to legal capacity, shall be entitled to the privilege of an elector. There shall be no denial of the elective franchise at any election on account of sex. The legislature may provide by law the conditions under which a citizen of the United States who does not have the status of an elector in another state and who does not meet the residence requirements of this section may vote in this state for President and Vice President of the United States. (Emphasis added).

### Annotations:

By opinion of Nevada Attorney General, the state's six-month durational residency requirement advised to be unconstitutional in light of *Dunn v. Blumstein*, 405 U.S. 330 (1972) and its progeny.

## Statutes

### Nev. Rev. Stat. Ann. § 293.485:

1. Every citizen of the United States, 18 years of age or over, **who has continuously resided in this State and in the county 30 days and in the precinct 10 days** next preceding the day of the next succeeding:
  - (a) Primary election;
  - (b) Primary city election;

- (c) General election; or
- (d) General city election,

and who has registered in the manner provided in this chapter, is entitled to vote at that election.

. . . . (Emphasis added).

**Nev. Rev. Stat. Ann. § 293.486:**

1. Except as otherwise provided in subsection 2, **for the purposes of preregistering or registering to vote, the address at which the person actually resides is the street address assigned to the location at which the person actually resides.**
2. For the purposes of preregistering or registering to vote, if the person does not reside at a location that has been assigned a street address, the address at which the person actually resides is a description of the location at which the person actually resides. The description must identify the location with sufficient specificity to allow the county clerk to assign the location to a precinct.
3. The provisions of this section do not authorize a person to preregister or register to vote if the person is not otherwise eligible to preregister or register to vote, as applicable.

(Emphasis added).

**Nev. Rev. Stat. Ann. § 293.500:**

Except as otherwise provided in NRS 293.487, if a person removes to another state, territory or foreign country, with the intention of residing there for an indefinite time, the person thereby loses his or her residence in this State for election purposes, notwithstanding that the person may intend to return at some uncertain future date. A person's occasional return to the place of his or her former residence in this State, regardless of the reason, is not sufficient to preserve his or her residence.

**Nev. Rev. Stat. Ann. § 293.560:**

1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300:
  - (a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:
    - (1) By mail is the fourth Tuesday preceding the primary or general election.
    - (2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the third Tuesday preceding the primary or general election.
    - (3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the first day of the period for early voting.
  - (b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any means is the third Saturday preceding the recall or special election.

# New Jersey

## Constitution

### New Jersey Constitution Article II, Section I, Paragraph 3:

- (a) Every citizen of the United States, of the age of 18 years, **who shall have been a resident of this State and of the county in which he claims his vote** 30 days, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people; and
- (b) (Deleted by amendment, effective December 5, 1974.)
- (c) Any person registered as a voter in any election district of this State who has removed or shall remove to another state or to another county with in this State and is not able there to qualify to vote by reason of an insufficient period of residence in such state or county, shall, as a citizen of the United States, have the right to vote for electors for President and Vice President of the United States, only, by Presidential Elector Absentee Ballot, in the county from which he has removed, in such manner as the Legislature shall provide.

(Emphasis added).

## Statutes

### N.J. Stat. § 19:4-1:

Except as provided in R.S.19:4-2 and R.S.19:4-3, every person possessing the qualifications required by Article II, paragraph 3, of the Constitution of the State of New Jersey and having none of the disqualifications hereinafter stated and being duly registered as required by Title 19, shall have the right of suffrage and shall be entitled to vote in the polling place assigned to the election district **in which he actually resides, and not elsewhere.**

. . . . (Emphasis added).

**N.J. Stat. § 19:4-4.1:**

Any person entitled to vote in this State and who has more than 1 place of residence, may file a statement pursuant to this act.

**N.J. Stat. § 19:4-4.2:**

The statement shall be in writing, in such form as the Secretary of State may prescribe from time to time, and shall be sworn to under oath, or affirmed, by the person named therein. Every such statement shall set forth facts showing the affiant's qualifications as a voter, a description of the places where he previously resided and the dates thereof, a description of the places where he resides, the names and all residences of the members of his immediate family or household who are of voting age with indication of the residence at which each is domiciled for voting, and a statement of the place of residence where he intends his domicile to be.

**N.J. Stat. § 19:31-6:**

Any person qualified to vote in an election shall be entitled to vote in the election if the person shall have registered to vote on or before the 21st day preceding the election by:

- a. registering in person at any offices designated by the commissioner of registration for providing and receiving registration forms;
- b. completing a voter registration form while applying for a motor vehicle driver's license from an agent of the New Jersey Motor Vehicle Commission, as provided for in section 24 of P.L.1994, c.182 (C.39:2-3.2);
- c. completing and returning to the Secretary of State or having returned thereto a voter registration form received from a voter registration agency, as defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-6.11), while applying for services or assistance or seeking a recertification, renewal or change of address at an office of that agency;
- d. completing and returning to the Secretary of State a voter registration form obtained from a public agency, as defined in subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3);
- e. completing and returning to the Secretary of State or having returned thereto a voter registration form received from a door-to-door canvass or mobile registration drive, as provided for in section 19 of P.L.1974, c.30 (C.19:31-6.7);

- f. completing and returning to the Secretary of State a federal mail voter registration form, as prescribed in subsection (b) of section 9 of the “National Voter Registration Act of 1993” (42 U.S.C. § 1973gg et seq.);
- g. completing and returning to the Secretary of State or the appropriate county clerk an application for a federal postcard application form to register to vote, as permitted pursuant to the “Overseas Absentee Voting Act” (42 U.S.C. § 1973ff-1 et seq.) and section 4 of P.L.1976, c.23 (C.19:59-4); or
- h. completing a provisional ballot affirmation statement and voting the provisional ballot in the previous election, if the person who submitted the provisional ballot in that election is determined not to be a registered voter.

....

# New Mexico

## Constitution

### New Mexico Constitution Article VII, Section 1:

- A. Every person who is a qualified elector pursuant to the constitution and laws of the United States and a citizen thereof shall be qualified to vote in all elections in New Mexico, subject to **residency and registration requirements provided by law**, except as restricted by statute either by reason of criminal conviction for a felony or by reason of mental incapacity, being limited only to those persons who are unable to mark their ballot and who are concurrently also unable to communicate their voting preference. The legislature may enact laws providing for absentee voting by qualified electors. All school elections shall be held at different times from partisan elections.
- B. The legislature shall have the power to require the registration of the qualified electors as a requisite for voting and shall regulate the manner, time and places of voting. The legislature shall enact such laws as will secure the secrecy of the ballot and the purity of elections and guard against the abuse of elective franchise. Not more than two members of the board of registration and not more than two judges of election shall belong to the same political party at the time of their appointment.

(Emphasis added).

### Annotations:

Amendments to include the above constitutional language were approved and ordered by the New Mexico Supreme Court, *State ex rel. League of Women Voters v. Advisory Comm. to the N.M. Compilation Comm'n*, 401 P.3d 734 (2017).

## Statutes

### N.M. Stat. Ann. § 1-1-4:

As used in the Election Code [1-1-1 NMSA 1978], “qualified elector” means **any resident of this state** who is qualified to vote under the provisions of the constitution of New Mexico and the constitution of the United States. (Emphasis added).

### N.M. Stat. Ann. § 1-1-5:

As used in the Election Code, “voter” means any qualified elector or federal qualified elector who is registered under the provisions of the Election Code.

### N.M. Stat. Ann. § 1-1-7:

For the purpose of determining residence for voting, the place of residence is governed by the following rules:

- A. the residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return;
- B. the place where a person’s family resides is presumed to be his place of residence, but a person who takes up or continues his abode with the intention of remaining at a place other than where his family resides is a resident where he abides;
- C. a change of residence is made only by the act of removal joined with the intent to remain in another place. There can be only one residence;
- D. a person does not gain or lose residence solely by reason of his presence or absence while employed in the service of the United States or of this state, or while a student at an institution of learning, or while kept in an institution at public expense, or while confined in a public prison or while residing upon an Indian or military reservation;
- E. no member of the armed forces of the United States, his spouse or his dependent is a resident of this state solely by reason of being stationed in this state;

- F. a person does not lose his residence if he leaves his home and goes to another country, state or place within this state for temporary purposes only and with the intention of returning;
- G. a person does not gain a residence in a place to which he comes for temporary purposes only;
- H. a person loses his residence in this state if he votes in another state in an election requiring residence in that state, and has not upon his return regained his residence in this state under the provisions of the constitution of New Mexico;
- I. "residence" is computed by not including the day on which the person's residence commences and by including the day of the election;
- J. a person does not acquire or lose residence by marriage only.

**N.M. Stat. Ann. § 1-4-5.1:**

- A. A qualified elector may apply for registration by mail, in the office of the secretary of state or county clerk or with a registration agent or officer.

....

- F. If the registrant wishes to vote in the next election, the completed and signed certificate of registration shall be delivered or mailed and postmarked at least twenty-eight days before the election.

....

# New York

## Constitution

### New York Constitution Article II, Section 1:

Every citizen shall be entitled to vote at every election for all officers elected by the people and upon all questions submitted to the vote of the people provided that such citizen is eighteen years of age or over and **shall have been a resident of this state, and of the county, city, or village** for thirty days next preceding an election. (Emphasis added).

## Statutes

### NY CLS Elec § 5-102:

1. No person shall be qualified to register for and vote at any election unless he is a citizen of the United States and is or will be, on the day of such election, eighteen years of age or over, and **a resident of this state and of the county, city or village for a minimum of thirty days** next preceding such election.
2. The provisions herein with respect to a durational residency requirement for purposes of qualifying to vote shall not prohibit United States citizens otherwise qualified, from voting for president and vice president of the United States.

(Emphasis added).

### NY CLS Elec § 5-104:

1. For the purpose of registering and voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas; nor while a student of any institution of learning; nor while kept at any welfare institution, asylum or other institution wholly or partly supported at public expense or by charity; nor while confined in any public prison.

2. In determining a voter's qualification to register and vote, the board to which such application is made shall consider, in addition to the applicant's expressed intent, his conduct and all attendant surrounding circumstances relating thereto. The board taking such registration may consider the applicant's financial independence, business pursuits, employment, income sources, residence for income tax purposes, age, marital status, residence of parents, spouse and children, if any, leaseholds, sites of personal and real property owned by the applicant, motor vehicle and other personal property registration, and other such factors that it may reasonably deem necessary to determine the qualification of an applicant to vote in an election district within its jurisdiction. **The decision of a board to which such application is made shall be presumptive evidence of a person's residence for voting purposes.**

(Emphasis added).

#### NY CLS Elec § 5-210:

....

3. Completed application forms, when received by any board of elections and, with respect to application forms promulgated by the federal election commission, when received by the state board of elections, or showing a dated cancellation mark of the United States Postal Service or contained in an envelope showing such a dated cancellation mark which is not later than the twenty-fifth day before the next ensuing primary, general or special election, and received no later than the twentieth day before such election, or delivered in person to such board of elections not later than the tenth day before a special election, shall entitle the applicant to vote in such election, if he or she is otherwise qualified, provided, however, such applicant shall not vote on a voting machine until his or her identity is verified. Any board of elections receiving an application form from a person who does not reside in its jurisdiction but who does reside elsewhere in the state of New York, shall forthwith forward such application form to the proper board of elections. Each board of elections shall make an entry on each such form of the date it is received by such board.

....

# North Carolina

## Constitution

### North Carolina Constitution Article VI, Section 1:

Every person born in the United States and every person who has been naturalized, 18 years of age, and possessing the qualifications set out in this Article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.

### North Carolina Constitution Article VI, Section 2:

- (1) Residence period for State elections. **Any person who has resided in the State of North Carolina for one year and in the precinct, ward, or other election district for 30 days next preceding an election,** and possesses the other qualifications set out in this Article, shall be entitled to vote at any election held in this State. Removal from one precinct, ward, or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which that person has removed until 30 days after the removal.
- (2) Residence period for presidential elections. **The General Assembly may reduce the time of residence for persons voting in presidential elections.** A person made eligible by reason of a reduction in time of residence shall possess the other qualifications set out in this Article, shall only be entitled to vote for President and Vice President of the United States or for electors for President and Vice President, and shall not thereby become eligible to hold office in this State.

. . . . (Emphasis added).

### Annotations:

By action of North Carolina Legislature, amended state election law to decrease one-year residency requirement. *See Andrews v. Cody*, 327 F. Supp. 793 (M.D.N.C. 1971) (holding one-year residency requirement unconstitutional), *aff'd*, 405 U.S. 1034 (1972).

## Statutes

### N.C. Gen. Stat. § 163A-841:

- (a) Residence Period for State Elections. -- Every person born in the United States, and every person who has been naturalized, and **who shall have resided in the State of North Carolina and in the precinct in which the person offers to vote** for 30 days next preceding an election, shall, if otherwise qualified as prescribed in this Subchapter, be qualified to vote in the precinct in which the person resides. Removal from one precinct to another in this State shall not operate to deprive any person of the right to vote in the precinct from which the person has removed until 30 days after the person's removal.

. . . . (Emphasis added).

### N.C. Gen. Stat. § 163A-842:

All election officials in determining the residence of a person offering to register or vote, shall be governed by the following rules, so far as they may apply:

- (1) That place shall be considered the residence of a person in which that person's habitation is fixed, and to which, whenever that person is absent, that person has the intention of returning[, subject to the following:].
  - a. In the event that a person's habitation is divided by a State, county, municipal, precinct, ward, or other election district, then the location of the bedroom or usual sleeping area for that person with respect to the location of the boundary line at issue shall be controlling as the residency of that person.
  - b. If the person disputes the determination of residency, the person may request a hearing before the county board of elections making the determination of residency. The procedures for notice of hearing and the conduct of the hearing shall be as provided in G.S. 163A-912. The presentation of an accurate and current determination of a

person's residence and the boundary line at issue by map or other means available shall constitute prima facie evidence of the geographic location of the residence of that person.

- c. In the event that a person's residence is not a traditional residence associated with real property, then the location of the usual sleeping area for that person shall be controlling as to the residency of that person. Residence shall be broadly construed to provide all persons with the opportunity to register and to vote, including stating a mailing address different from residence address.
- (2) A person shall not be considered to have lost that person's residence if that person leaves home and goes into another state, county, municipality, precinct, ward, or other election district of this State, for temporary purposes only, with the intention of returning.
  - (3) A person shall not be considered to have gained a residence in any county, municipality, precinct, ward, or other election district of this State, into which that person comes for temporary purposes only, without the intention of making that county, municipality, precinct, ward, or other election district a permanent place of abode.
  - (4) If a person removes to another state or county, municipality, precinct, ward, or other election district within this State, with the intention of making that state, county, municipality, precinct, ward, or other election district a permanent residence, that person shall be considered to have lost residence in the state, county, municipality, precinct, ward, or other election district from which that person has removed.
  - (5) If a person removes to another state or county, municipality, precinct, ward, or other election district within this State, with the intention of remaining there an indefinite time and making that state, county, municipality, precinct, ward, or other election district that person's place of residence, that person shall be considered to have lost that person's place of residence in this State, county, municipality, precinct, ward, or other election district from which that person has removed, notwithstanding that person may entertain an intention to return at some future time.

- (6) If a person goes into another state, county, municipality, precinct, ward, or other election district, or into the District of Columbia, and while there exercises the right of a citizen by voting in an election, that person shall be considered to have lost residence in that State, county, municipality, precinct, ward, or other election district from which that person removed.
- (7) School teachers who remove to a county, municipality, precinct, ward, or other election district in this State for the purpose of teaching in the schools of that county temporarily and with the intention or expectation of returning during vacation periods to live where their parents or other relatives reside in this State and who do not have the intention of becoming residents of the county, municipality, precinct, ward, or other election district to which they have moved to teach, for purposes of registration and voting shall be considered residents of the county, municipality, precinct, ward, or other election district in which their parents or other relatives reside.
- (8) If a person removes to the District of Columbia or other federal territory to engage in the government service, that person shall not be considered to have lost residence in this State during the period of such service unless that person votes in the place to which the person removed, and the place at which that person resided at the time of that person's removal shall be considered and held to be the place of residence.
- (9) If a person removes to a county, municipality, precinct, ward, or other election district to engage in the service of the State government, that person shall not be considered to have lost residence in the county, municipality, precinct, ward, or other election district from which that person removed, unless that person votes in the place to which the person removed, and the place at which that person resided at the time of that person's removal shall be considered and held to be the place of residence.
- (10) The establishment of a secondary residence by an elected official outside the district of the elected official shall not constitute prima facie evidence of a change of residence.
- (11) For the purpose of voting a spouse shall be eligible to establish a separate domicile.
- (12) So long as a student intends to make the student's home in the community where the student is physically present for the purpose of attending school while the student is attending

school and has no intent to return to the student's former home after graduation, the student may claim the college community as the student's domicile. The student need not also intend to stay in the college community beyond graduation in order to establish domicile there. This subdivision is intended to codify the case law.

**N.C. Gen. Stat. §163A-865:**

....

- (d) Registration Deadlines for a Primary or Election. -- In order to be valid for a primary or election, the form:
- (1) If submitted by mail, must be postmarked at least 25 days before the primary or election, except that any mailed application on which the postmark is missing or unclear is validly submitted if received in the mail not later than 20 days before the primary or election,
  - (2) If submitted in person, by facsimile transmission, or by transmission of a scanned document, must be received by the county board of elections by a time established by that board, but no earlier than 5:00 P.M., on the twenty-fifth day before the primary or election,
  - (3) If submitted through a delegatee who violates the duty set forth in subsection (a) of this section, must be signed by the applicant and given to the delegatee not later than 25 days before the primary or election, except as provided in subsection (f) of this section.

....

- (f) Instances When Person May Register and Vote on Primary or Election Day. -- If a person has become qualified to register and vote between the twenty-fifth day before a primary or election and primary or election day, then that person may apply to register on primary or election day by submitting an application form described in G.S. 163A-862(a) or (b) to:
- (1) A member of the county board of elections;
  - (2) The county director of elections; or
  - (3) The chief judge or a judge of the precinct in which the person is eligible to vote,
- and, if the application is approved, that person may vote the same day. The official in subdivisions (1) through (3) of this subsection to whom the application is submitted shall decide whether the applicant is eligible to vote. The applicant shall present to the official written or documentary evidence that the applicant is the person he represents himself to be. The official, if in doubt as to the right of the applicant to

register, may require other evidence satisfactory to that official as to the applicant's qualifications. If the official determines that the person is eligible, the person shall be permitted to vote in the primary or election and the county board shall add the person's name to the list of registered voters. If the official denies the application, the person shall be permitted to vote a challenged ballot under the provisions of G.S. 163A-915, and may appeal the denial to the full county board of elections. The State Board shall promulgate rules for the county boards of elections to follow in hearing appeals for denial of primary or election day applications to register. No person shall be permitted to register on the day of a second primary unless he shall have become qualified to register and vote between the date of the first primary and the date of the succeeding second primary.

....

# North Dakota

## Constitution

### North Dakota Constitution Article II, Section 1:

The general election of the state shall be held biennially as provided by law.

Every citizen of the United States, who has attained the age of eighteen years and **who is a North Dakota resident**, shall be a qualified elector. When an elector moves within the state, he shall be entitled to vote in the precinct from which he moves until he establishes voting residence in another precinct. The legislative assembly shall provide by law for the determination of residence for voting eligibility, other than physical presence. No elector shall lose his residency for voting eligibility solely by reason of his absence from the state.

. . . . (Emphasis added).

## Statutes

### N.D. Cent. Code, § 16.1-01-04:

1. To qualify as an elector of this state, an individual must be:
  - a. A citizen of the United States;
  - b. Eighteen years or older; and
  - c. **A resident of this state who has resided in the precinct** at least thirty days immediately preceding any election.

. . . . (Emphasis added).

North Dakota has no Voter Registration requirement since 1951.

### N.D. Cent. Code, § 16.1-01-04.2:

For purposes of voting:

1. Every qualified elector may have only one residence, shown by an actual fixed permanent dwelling, establishment, or any other abode to which the individual returns when not called

- elsewhere for labor or other special or temporary purposes.
2. The street address verified by the individual as provided in section 16.1-01-04.1 when requesting a ballot to vote must be the address of residence for the individual.
  3. An individual retains a residence in this state until another has been gained.
  4. The acts of residing at a new address for thirty days and verifying that address as provided under section 16.1-01-04.1 constitute a change in the individual's voting residence.

**N.D. Cent. Code, § 16.1-13-34:**

An individual who votes after the regular poll closing time in an election in which a federal office appears as a result of a federal or state court order or any other order extending the time established for closing the polls under state law in effect ten days before the date of that election may only vote in that election by casting a provisional ballot. The ballot must be marked as a provisional ballot and must be separated and held apart from other ballots cast by those not affected by the order. The secretary of state shall approve the form of any provisional ballot and may prescribe any procedures the secretary of state determines to be necessary to facilitate the casting, secrecy, and counting of provisional ballots.

# Ohio

## Constitution

### Ohio Constitution Article V, Section 1:

Every citizen of the United States, of the age of eighteen years, **who has been a resident of the state, county, township, or ward**, such time as may be provided by law, and has been registered to vote for thirty days, has the qualifications of an elector, and is entitled to vote at all elections. Any elector who fails to vote in at least one election during any period of four consecutive years shall cease to be an elector unless he again registers to vote. (Emphasis added).

## Statutes

### ORC Ann. 3503.01:

(A) Every citizen of the United States who is of the age of eighteen years or over and **who has been a resident of the state thirty days** immediately preceding the election at which the citizen offers to vote, **is a resident of the county and precinct in which the citizen offers to vote**, and has been registered to vote for thirty days, has the qualifications of an elector and may vote at all elections in the precinct in which the citizen resides.

. . . . (Emphasis added).

### ORC Ann. 3503.02:

All registrars and precinct election officials, in determining the residence of a person offering to register or vote, shall be governed by the following rules:

- (A) That place shall be considered the residence of a person in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.
- (B) A person shall not be considered to have lost the person's residence who leaves the person's home and goes into another state or county of this state, for temporary purposes only, with the intention of returning.

- (C) A person shall not be considered to have gained a residence in any county of this state into which the person comes for temporary purposes only, without the intention of making such county the permanent place of abode.
- (D) The place where the family of a married person resides shall be considered to be the person's place of residence; except that when the spouses have separated and live apart, the place where such a spouse resides the length of time required to entitle a person to vote shall be considered to be the spouse's place of residence.
- (E) If a person removes to another state with the intention of making such state the person's residence, the person shall be considered to have lost the person's residence in this state.
- (F) Except as otherwise provided in division (G) of this section, if a person removes from this state and continuously resides outside this state for a period of four years or more, the person shall be considered to have lost the person's residence in this state, notwithstanding the fact that the person may entertain an intention to return at some future period.
- (G)
  - (1) If a person removes from this state to engage in the services of the United States government, the person shall not be considered to have lost the person's residence in this state, and likewise should the person enter the employment of the state, the place where such person resided at the time of the person's removal shall be considered to be the person's place of residence.
  - (2) If a person removes from this state to a location outside of the United States and the person does not become a resident of another state, the person shall not be considered to have lost the person's residence in this state. The place where the person resided at the time of the person's removal shall be considered to be the person's place of residence.
  - (3) If a person is eligible to vote in this state under division (D)(2) of section 3511.011 of the Revised Code, the place where the person's parent or legal guardian resided in this state prior to that parent or legal guardian's removal to a location outside of the United States shall be considered to be the person's place of residence.

- (4) If an address that is considered to be a person's place of residence under division (G) of this section ceases to be a recognized residential address, the board of elections shall assign an address to the applicable person for voting purposes.
- (H) If a person goes into another state and while there exercises the right of a citizen by voting, the person shall be considered to have lost the person's residence in this state.
- (I) If a person does not have a fixed place of habitation, but has a shelter or other location at which the person has been a consistent or regular inhabitant and to which the person has the intention of returning, that shelter or other location shall be deemed the person's residence for the purpose of registering to vote.

# Oklahoma

## Constitution

### Oklahoma Constitution Article III, Section 1:

Subject to such exceptions as the Legislature may prescribe, all citizens of the United States, over the age of eighteen (18) years, **who are bona fide residents of this state**, are qualified electors of this state. (Emphasis added).

## Statutes

### 26 Okl. St. § 4-101:

Every person who is a qualified elector as defined by Section 1 of Article III of the Oklahoma Constitution **shall be entitled to become a registered voter in the precinct of his residence**, with the following exceptions:

. . . . (Emphasis added).

### 26 Okl. St. § 4-103:

Any person who will become a qualified elector during the sixty (60) days before the next ensuing election at which he could vote **shall be entitled to become a registered voter of the precinct of his or her residence** not more than sixty (60) and not less than twenty-four (24) days prior to said election. (Emphasis added).

# Oregon

## Constitution

### Oregon Constitution Article II, Section 2:

- (1) Every citizen of the United States is entitled to vote in all elections not otherwise provided for by this Constitution if such citizen:
  - (a) Is 18 years of age or older;
  - (b) **Has resided in this state** during the six months immediately preceding the election, except that provision may be made by law to permit a person who has resided in this state less than 30 days immediately preceding the election, but who is otherwise qualified under this subsection, to vote in the election for candidates for nomination or election for President or Vice President of the United States or elector of President and Vice President of the United States; and
  - (c) Is registered not less than 20 calendar days immediately preceding any election in the manner provided by law.

. . . . (Emphasis added).

## Statutes

### ORS § 247.002:

As used in this chapter:

. . . .

- (2) “Elector” means an individual qualified to vote under Article II, section 2, Oregon Constitution.

. . . .

### ORS § 247.012:

- (3) Registration of a qualified person occurs:

. . . .

- (b) On the date a registration card is postmarked if the card is received after the 21st day immediately preceding an election

but is postmarked not later than the 21st day immediately preceding the election and is addressed to an office of any county clerk, the Office of the Secretary of State, an office of the Department of Transportation or any designated voter registration agency as described in ORS 247.208; . . .

. . . .

**Oregon Statutes § 247.035:**

- (1) An elections official, **in determining the residence** and qualifications of a person offering to register or vote, shall consider the following rules, so far as they may be applicable:
  - (a) The person's residence shall be the place in which habitation is fixed and to which, when the person is absent, the person intends to return.
  - (b) If a person's property is split by a jurisdictional line, the person shall be registered where the residence is located. If the residence is split by a jurisdictional line, the person shall register where the greatest value of the residence is located according to county assessment and taxation records.
  - (c) A person shall not be considered to have gained a residence in any location in this state into which the person comes for temporary purposes only, without the intention of making it the person's home.
  - (d) If a person moves to another state with the intention of making a permanent home, the person shall be considered to have lost residence in this state.
  - (e) If a person goes from this state into any other state or territory and votes there, the person shall be considered to have lost residence in this state.
  - (f) A person who has left the place of the person's residence for a temporary purpose only shall not be considered to have lost residence.
- (2) Notwithstanding subsection (1) of this section, a person who has left the place of the person's residence for a temporary purpose only, who has not established another residence for voter registration purposes and who does not have a place in which habitation is fixed shall not be considered to have changed or lost residence. The person may register at the address of the place the person's residence was located before the person left.
- (3) An elections official may consider, but is not limited to considering,

the following factors in determining residency of a person for voter registration purposes:

- (a) Where the person receives personal mail;
- (b) Where the person is licensed to drive;
- (c) Where the person registers motor vehicles for personal use;
- (d) Where any immediate family members of the person reside;
- (e) The address from which the person pays for utility services; and
- (f) The address from which the person files any federal or state income tax returns.

(Emphasis added).

# Pennsylvania

## Constitution

### Pennsylvania Constitution Article II, Section 1:

Every citizen 21 years of age, possessing the following qualifications, shall be entitled to vote at all elections subject, however, to such laws requiring and regulating the registration of electors as the General Assembly may enact.

1. He or she shall have been a citizen of the United States at least one month.
2. He or she **shall have resided in the State** 90 days immediately preceding the election.
3. He or she **shall have resided in the election district where he or she shall offer to vote** at least 60 days immediately preceding the election, except that if qualified to vote in an election district prior to removal of residence, he or she may, if a resident of Pennsylvania, vote in the election district from which he or she removed his or her residence within 60 days preceding the election.

(Emphasis added).

### Annotations:

By action of the Pennsylvania Legislature, amended state election law to lower voting age (1971, H.B. 209), and, subsequently, decreased durational residency requirement (2002, S.B. 607).

## Statutes

### 25 Pa.C.S. § 1301:

(a) Eligibility. — An individual who will be at least 18 years of age on the day of the next election, who has been a citizen of the United States for at least one month prior to the next election and **who has resided in this Commonwealth and the election district where the individual offers to vote** for at least 30 days prior to the next ensuing election and has not been

confined in a penal institution for a conviction of a felony within the last five years shall be eligible to register as provided in this chapter.

(b) Effect. — No individual shall be permitted to vote at any election unless the individual is registered under this subsection, except as provided by law or by order of a court of common pleas. No registered elector shall be required to register again for any election while the elector continues to reside at the same address.

(c) Removal of residence. — Except as otherwise provided by this part, a registered elector who removes residence from one place to another outside the elector's last election district shall not be entitled to vote in the election district of the elector's last residence except pursuant to the provisions of this section and sections 1501(b) (relating to removal notices), 1502 (relating to transfer of registration) and 1902 (relating to procedure for voting following failure to return notification card).

(Emphasis added).

## **25 Pa.C.S. § 1302:**

(a) General rule.

- (1) For the purpose of registration and voting, no individual shall be deemed to have gained a residence by reason of presence or lost a residence by reason of absence in any of the following circumstances:
  - (i) Being employed in the service, either civil or military, of this Commonwealth or of the United States.
  - (ii) Being engaged in the navigation of the waters of this Commonwealth or of the United States or on the high seas.
  - (iii) Being in an institution at public expense. This subparagraph does not apply to a veteran who resides in a home for disabled and indigent soldiers and sailors maintained by the Commonwealth. Such a veteran may elect to utilize that residence for registration and voting or elect to vote as an absentee elector by the use of an absentee ballot.
- (2) Nothing in paragraph (1) shall preclude any elector eligible under section 1301 (relating to qualifications to register) from

establishing the district of residence as the election district of residence pursuant to subsection (b).

- (3) Except as otherwise provided in this subsection, no individual who is confined in a penal institution shall be deemed a resident of the election district where the institution is located. The individual shall be deemed to reside where the individual was last registered before being confined in the penal institution, or, if there was no registration prior to confinement, the individual shall be deemed to reside at the last known address before confinement.
- (4) An individual who resides at an institution for the mentally ill or the mentally retarded, if otherwise qualified under section 1301, shall be deemed at the individual's option a resident in one of the following:
  - (i) The district where the institution is located.
  - (ii) The district where the individual was last registered to vote before entering the institution. For purposes of this subparagraph, if the individual was not registered before entering the institution, the individual shall be deemed to reside at the last known address before entering the institution.
- (b) Rules for determination. — The following apply:
  - (1) That the place shall be considered the residence of an individual in which habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning.
  - (2) An individual shall not be considered to have lost residence if the individual leaves home and goes into another state or another election district for temporary purposes only, with the intention of returning.
  - (3) An individual shall not be considered to have gained a residence in an election district if the individual comes into that district for temporary purposes only, without the intention of making that election district a permanent place of abode.
  - (4) If an individual removes to another state with the intention of making that state the permanent residence, the individual shall be considered to have lost residence in this Commonwealth.
  - (5) If an individual removes to another state with the intention of remaining there an indefinite time and making that state the place of residence, the individual shall be considered to have

lost residence in this Commonwealth, notwithstanding an intention to return at some indefinite future period.

- (6) If an individual goes into another state and, while there, votes in an election held by that state, the individual shall be considered to have lost residence in this Commonwealth.
- (7) An individual employed in the service of the Federal Government or of the Commonwealth and required thereby to be absent from the municipality where the individual resided when entering that employment and the spouse of the individual may remain registered in the district where the individual resided immediately prior to entering that employment, and the individual and the spouse shall be enrolled in the political party designated by the individual or spouse without declaring a residence by street and number.
  - (i) An individual who registers under this paragraph for Commonwealth employment must produce a certificate from the head of the State agency, under the seal of office, setting forth that the individual or the individual's spouse is actually employed in the service of the Commonwealth and setting forth the nature of the employment and the time when the employee first entered the employment. The commission shall retain certificates under this subparagraph.
  - (ii) The commission shall note on the registration record of each individual registered under this paragraph the fact of Federal or State employment.
  - (iii) At least once every two years the commission shall verify the employment of the individuals registered under this paragraph at the proper Federal or State office. If an individual is found to be no longer a Federal or State employee, the individual's registration shall be canceled under Chapter 15 (relating to changes in records).

**25 Pa.C.S. § 1326:**

....

- (b) Deadlines. — In the administration of voter registration, each commission shall ensure that any applicant who is a qualified elector is registered to vote in an election when the applicant has met any of the following conditions:

- (1) In the case of voter registration with a motor vehicle driver's license application under section 1323 (relating to application with driver's license application), if the valid voter registration application is submitted to the appropriate Department of Transportation office not later than 30 days before the date of the election.
- (2) In the case of registration by mail under section 1324 (relating to application by mail), if the valid voter registration mail application is postmarked not later than the deadline to register for the ensuing election or, in the case of an illegible or missing postmark, it is received not later than five days after the deadline to register for the ensuing election.
- (3) In the case of voter registration at a voter registration agency under section 1325 (relating to government agencies), if the valid voter registration application is accepted at the voter registration agency not later than 30 days before the date of the election.
- (4) In any other case, if the valid voter registration application of the applicant is received by the appropriate commission not later than 30 days before the election.

# Rhode Island

## Constitution

### Rhode Island Constitution Article II, Section 1:

Every citizen of the United States of the age of eighteen years or **over who has had residence and home in this state for thirty days next preceding the time of voting, who has resided thirty days in the town or city from which such citizen desires to vote**, and whose name shall be registered at least thirty days next preceding the time of voting as provided by law, shall have the right to vote for all offices to be elected and on all questions submitted to the electors, except that no person who has been lawfully adjudicated to be non compos mentis shall be permitted to vote. No person who is incarcerated in a correctional facility upon a felony conviction shall be permitted to vote until such person is discharged from the facility. Upon discharge, such person's right to vote shall be restored. The general assembly may provide by law for shorter state and local residence requirements to vote for electors for president and vice president of the United States. (Emphasis added).

## Statutes

### R.I. Gen. Laws § 17-1-3.1:

- (a) **A person's residence for voting purposes is his or her fixed and established domicile. The determinant of one's domicile is that person's factual physical presence in the voting district on a regular basis incorporating an intention to reside for an indefinite period. This domicile is the place to which, upon temporary absence, he or she has the intention of returning.** Once acquired, this domicile continues until another domicile is established. A person can have only one domicile, and the domicile shall not be considered lost solely by reason of absence for any of the following reasons:
  - (1) Employment or service outside of the state intimately connected with military operations or with the federal government, including the spouse and dependents of an elector so employed;
  - (2) Confinement in a correctional facility;

- (3)
- (4) Being a patient in a hospital, convalescent home, nursing home or rest home, or like facility; or
- (5) Attendance as a student at an academic institution, including the spouse and dependents of an elector who is a student.
- (b) The following shall be considered prima facie evidence of a person's residence for voting purposes:
  - (1) The address furnished to the division of motor vehicles for the voter's operator's license;
  - (2) The address from which the voter's motor vehicle is registered;
  - (3) The address from which the voter filed his last federal income tax return;
  - (4) The address from which the voter filed his last state income tax return;
  - (5) The address furnished to the companies from which the voter has obtained retail credit cards;
  - (6) The address furnished to the financial institutions where the voter maintains accounts;
  - (7) The address furnished to the tax collector and/or assessor in those communities where the voter owns taxable real or personal property for the purpose of notification to him or her;
  - (8) The address furnished to the insurance companies with which the voter maintains policies;
  - (9) The address furnished to the voter's employer;
  - (10) The address furnished by the voter to any business, professional, union, or fraternal organizations of which he or she is a member;
  - (11) The address furnished to governmental agencies with which the voter has contact;
  - (12) The address of a hospital, convalescent home, nursing home or rest home, or like facility at which the voter has been a patient or resident for the preceding thirty (30) days or longer;
  - (13) The address furnished to the United States postal service on a change of address form as verified by the United States postal service.

(Emphasis added).

**R.I. Gen. Laws § 17-9.1-3:**

- (a) The local boards shall open their respective offices for the purposes of receiving registration of voters throughout the year during the regular business hours. Registration for any election shall close on the thirtieth (30th) day preceding an election; provided, that local boards shall not receive the registration on Sundays or legal holidays, and may receive the registrations during additional hours each day from the fortieth (40th) to the thirtieth (30th) day before any election. Nothing contained in this section shall be construed as restricting the right of statewide or local registration agents or members of the general assembly to accept registrations of voters on any day. The acceptance of registrations at any other time shall not affect the validity of any election.

....

# South Carolina

## Constitution

### South Carolina Constitution Article II, Section 3:

Every citizen possessing the qualifications required by this Constitution and not laboring under the disabilities named in or authorized by it shall be an elector.

### South Carolina Constitution Article II, Section 4:

Every citizen of the United States and of this State of the age of eighteen and upwards who is properly registered is entitled to vote as provided by law.

### South Carolina Constitution Article II, Section 5:

Municipal electors shall possess the qualifications prescribed in this Constitution, but **each such elector must have resided in the municipality in which he offers to vote for thirty days next preceding the election.** (Emphasis added).

## Statutes

### S.C. Code Ann. § 7-1-25:

- (A) A person's residence is his domicile. "Domicile" means a person's fixed home where he has an intention of returning when he is absent. A person has only one domicile.
- (B) For voting purposes, a person has changed his domicile if he (1) has abandoned his prior home and (2) has established a new home, has a present intention to make that place his home, and has no present intention to leave that place.
- (C) For voting purposes, a spouse may establish a separate domicile.
- (D) For voting purposes, factors to consider in determining a person's intention regarding his domicile include, but are not limited to:
  - (1) a voter's address reported on income tax returns;
  - (2) a voter's real estate interests, including the address for which the legal residence tax assessment ratio is claimed pursuant

- to Section 12-43-220(C);
- (3) a voter's physical mailing address;
  - (4) a voter's address on driver's license or other identification issued by the Department of Motor Vehicles;
  - (5) a voter's address on legal and financial documents;
  - (6) a voter's address utilized for educational purposes, such as public school assignment and determination of tuition at institutions of higher education;
  - (7) a voter's address on an automobile registration;
  - (8) a voter's address utilized for membership in clubs and organizations;
  - (9) the location of a voter's personal property;
  - (10) residence of a voter's parents, spouse, and children; and
  - (11) whether a voter temporarily relocated due to medical care for the voter or for a member of the voter's immediate family.

**S.C. Code Ann. § 7-5-120:**

- (A) Every citizen of this State and the United States who applies for registration must be registered if he meets the following qualifications:
- (1) meets the age qualification as provided in Section 4, Article II of the Constitution of this State;
  - (2) is not laboring under disabilities named in the Constitution of 1895 of this State; and
  - (3) **is a resident in the county and in the polling precinct in which the elector offers to vote.**

. . . . (Emphasis added).

**S.C. Code Ann. § 7-5-150:**

The registration books shall be closed thirty days before each election, but only as to that election or any second race or runoff resulting from that election, and shall remain closed until the election has taken place, anything in this article to the contrary notwithstanding; provided, that the registration books shall be closed thirty days before the June primary and shall remain closed until after the second primary and shall likewise be closed thirty days before the November general election. They shall thereafter be opened from time to time in accordance with the provisions of this article. Any person eligible to register who has been discharged or

separated from his service in the Armed Forces of the United States, and returned home too late to register at the time when registration is required, is entitled to register for the purpose of voting in the next ensuing election after the discharge or separation from service, up to 5:00 p.m. on the day of the election. This application for registration must be made at the office of the board of voter registration and elections in the county in which the person wishes to register, and if qualified, the person must be issued a registration notification stating the precinct in which he is entitled to vote and a certification to the managers of the precinct that he is entitled to vote and should be placed on the registration rolls of the precinct. Persons who become of age during this period of thirty days shall be entitled to register before the closing of the books if otherwise qualified.

**S.C. Code Ann. § 7-5-610:**

Every citizen of this State and of the United States:

- (1) Of the age of eighteen years and upwards;
- (2) Having all the qualifications mentioned in § 7-5-120;
- (3) **Who has resided within the corporate limits of any incorporated municipality in this State for thirty days previous to any municipal election;**
- (4) Who has been registered for county, state, and national elections as herein required;

is entitled to vote at all municipal elections of his municipality.  
(Emphasis added).

# South Dakota

## Constitution

### South Dakota Constitution Article VII, Section 2:

Every United States citizen eighteen years of age or older **who has met all residency and registration requirements shall be entitled to vote in all elections** and upon all questions submitted to the voters of the state unless disqualified by law for mental incompetence or the conviction of a felony. The Legislature may by law establish reasonable requirements to insure the integrity of the vote.

Each elector who qualified to vote within a precinct shall be entitled to vote in that precinct until he establishes another voting residence. An elector shall never lose his residency for voting solely by reason of his absence from the state.

(Emphasis added).

## Statutes

### S.D. Codified Laws § 12-3-1:

**Every person resident of this state** who shall be of the age of eighteen years and upwards, not otherwise disqualified, who shall have complied with the provisions of law relating to the registration of voters **shall be entitled to vote at any election in this state.** (Emphasis added).

### S.D. Codified Laws § 12-1-4:

For the purposes of this title, the term, residence, means the place in which a person has fixed his or her habitation and to which the person, whenever absent, intends to return.

A person who has left home and gone into another state or territory or county of this state for a temporary purpose only has not changed his or her residence.

A person is considered to have gained a residence in any county or municipality of this state in which the person actually lives, if the person has no present intention of leaving.

If a person moves to another state, or to any of the other territories, with the intention of making it his or her permanent home, the person thereby loses residence in this state.

**S.D. Codified Laws § 12-4-5 (Effective July 1, 2019):**

The county auditor shall enter in the master registration file the name of each eligible person whose completed application for registration and mail registration card is received no later than 5:00 p.m. local time at least fifteen days preceding the election by the county auditor or the local, state, or federal agency responsible for conducting voter registration under this chapter. A voter registration completed at any local, state, or federal agency during any week commencing on Tuesday through the following Monday shall be sent to the appropriate county auditor by the agency receiving the registration or mail registration card no later than the following Wednesday. The State Board of Elections may promulgate rules, pursuant to chapter 1-26, for the alternative transmission of voter registration information by computer from the agency to the secretary of state. The name of any voter who has registered to vote by 5:00 p.m. local time fifteen days preceding a runoff election shall be added to the file used for the runoff election.

# Tennessee

## Constitution

### Tennessee Constitution Article IV, Section 1:

Every person, being eighteen years of age, being a citizen of the United States, **being a resident of the State for a period of time as prescribed by the General Assembly, and being duly registered in the county of residence for a period of time prior to the day of any election as prescribed by the General Assembly**, shall be entitled to vote in all federal, state, and local elections held in the county or district in which such person resides. All such requirements shall be equal and uniform across the state, and there shall be no other qualification attached to the right of suffrage. (Emphasis added).

## Statutes

### Tennessee Code § 2-2-102:

A citizen of the United States eighteen (18) years of age or older who is a **resident of this state** is a qualified voter unless the citizen is disqualified under the provisions of this title or under a judgment of infamy pursuant to § 40-20-112. (Emphasis added).

### Tennessee Code § 2-2-109:

- (a) A qualified voter may register or have the voter's registration altered at the commission office at any time the office is open, except that applications for registration shall not be processed for twenty-nine (29) days before an election, except as provided in subsection (b); provided, that a qualified voter may file a mail registration form by postmarking the registration form or submitting the registration form thirty (30) days before an election. A mail registration form lacking a postmark, but signed and dated at least thirty (30) days before an election, shall be timely filed if it is received by the county election commission no later than the twenty-seventh day prior to the election. A qualified voter may correct a deficient but timely filed mail registration form if the voter files a completed registration application or otherwise corrects the

deficiency on or before the next regularly scheduled November general election. The administrator of elections shall register the person to vote if the person is otherwise eligible to register. Deficient registrations not corrected on or before the next regularly scheduled November general election shall no longer be considered deficient and shall be void. The administrator shall be empowered to update an existing registration until no later than five (5) days before an election to place it within the correct precinct in the county when a voter changes the voter's address through the process described in § 2-7-140.

- (b) When the thirtieth day before an election falls on a Saturday, Sunday, or legal holiday, applications for registration shall be accepted and processed the next business day following such Saturday, Sunday, or legal holiday. This extends the deadline for applications for registration completed at the county election commission office as well as the deadline for having a by-mail registration form postmarked.

**Tennessee Code § 2-2-122:**

- (a) The determination of whether a person is a resident or where the person resides or has residence for purposes of the election code shall be made in the light of the following principles:
  - (1) The residence of a person is that place in which the person's habitation is fixed, and to which, whenever the person is absent, the person has a definite intention to return; provided, that a person may not register to vote using a business location as the registration address when the sole basis for the person's presence at such location is based on a business or commercial use;
  - (2) A change of residence is generally made only by the act of removal joined with the intent to remain in another place. There can be only one (1) residence;
  - (3) A person does not become a resident of a place solely by intending to make it the person's residence. There must be appropriate action consistent with the intention;
  - (4) A person does not lose residence if, with the definite intention of returning, the person leaves home and goes to another country, state or place within this state for temporary purposes, even if of one or more years duration;
  - (5) The place where a married person's spouse and family have

their habitation is presumed to be the person's place of residence, but a married person who takes up or continues abode with the intention of remaining at a place other than where the person's family resides is a resident where the person abides;

- (6) A person may be a resident of a place regardless of the nature of the person's habitation, whether house or apartment, mobile home or public institution, owned or rented; however, a commercial address may not be used for residential purposes, unless the applicant provides evidence of such applicant's residential use of such address;
- (7) A person does not gain or lose residence solely by reason of the person's presence or absence while employed in the service of the United States or of this state, or while a student at an institution of learning, or while kept in an institution at public expense, or while confined in a public prison or while living on a military reservation; and
- (8) No member of the armed forces of the United States, or such member's spouse or dependent, is a resident of this state solely by reason of being stationed in this state.

(b)

- (1) The following factors, among other relevant matters, may be considered in the determination of where a person is a resident:
  - (A) The person's possession, acquisition or surrender of inhabitable property;
  - (B) Location of the person's occupation;
  - (C) Place of licensing or registration of the person's personal property;
  - (D) Place of payment of taxes which are governed by residence;
  - (E) Purpose of the person's presence in a particular place; and
  - (F) Place of the person's licensing for activities such as driving.
- (2) In determining the residency of a person involuntarily confined in a state institution, the mere anticipation of a future grant of living quarters in a specific half-way house shall not be sufficient to establish intent to reside in such half-way house following release from the institution.

# Texas

## Constitution

### Texas Constitution Article VI, Section 2:

- (a) Every person subject to none of the disqualifications provided by Section 1 of this article or by a law enacted under that section who is a citizen of the United States and **who is a resident of this State shall be deemed a qualified voter**; provided, however, that before offering to vote at an election a voter shall have registered, but such requirement for registration shall not be considered a qualification of a voter within the meaning of the term “qualified voter” as used in any other Article of this Constitution in respect to any matter except qualification and eligibility to vote at an election. (Emphasis added).

### Texas Constitution Article VI, Section 2a:

- (b) Notwithstanding any other provision of this Constitution, the Legislature may enact laws and provide for a method of registration, including the time for such registration, permitting any person (1) who is qualified to vote in this State except for the residence requirements of Section 2 of this Article, and (2) who shall have resided anywhere within this State at least thirty (30) days next preceding a General Election in a presidential election year, and (3) who shall have been a qualified voter in another state immediately prior to his removal to this State or would have been eligible to vote in such other state had he remained there until such election, to vote for electors for President and Vice President of the United States in that election.

## Statutes

### Texas Election Code § 1.015:

- (a) In this code, “residence” means domicile, that is, one’s home and fixed place of habitation to which one intends to return after any temporary absence.
- (b) Residence shall be determined in accordance with the common-law rules, as enunciated by the courts of this state, except as otherwise

provided by this code.

- (c) A person does not lose the person's residence by leaving the person's home to go to another place for temporary purposes only.
- (d) A person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person's home.
- (e) A person who is an inmate in a penal institution or who is an involuntary inmate in a hospital or eleemosynary institution does not, while an inmate, acquire residence at the place where the institution is located.

**Texas Election Code § 11.001:**

- (a) Except as otherwise provided by law, to be eligible to vote in an election in this state, a person must:
  - (1) be a qualified voter as defined by Section 11.002 on the day the person offers to vote;
  - (2) be a resident of the territory covered by the election for the office or measure on which the person desires to vote; and
  - (3) satisfy all other requirements for voting prescribed by law for the particular election.

....

**Texas Election Code § 11.002:**

- (a) In this code, "qualified voter" means a person who:
  - (1) is 18 years of age or older;
  - (2) is a United States citizen;
  - (3) has not been determined by a final judgment of a court exercising probate jurisdiction to be:
    - (A) totally mentally incapacitated; or
    - (B) partially mentally incapacitated without the right to vote;
  - (4) has not been finally convicted of a felony or, if so convicted, has:
    - (A) fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or
    - (B) been pardoned or otherwise released from the resulting disability to vote;
  - (5) is a resident of this state; and
  - (6) is a registered voter.

....

**Texas Election Code § 13.143:**

....

- (e) If the 30th day before the date of an election is a Saturday, Sunday, or legal state or national holiday, an application is considered to be timely if it is submitted to the registrar on or before the next regular business day.

# Utah

## Constitution

### Utah Constitution Article IV, Section 2:

Every citizen of the United States, eighteen years of age or over, who makes proper **proof of residence in this state for thirty days next preceding any election**, or for such other period as required by law, shall be entitled to vote in the election. (Emphasis added).

## Statutes

### Utah Code § 20A-2-101:

- (1) Except as provided in Subsection (2), an individual may register to vote in an election who:
  - (a) is a citizen of the United States;
  - (b) **has been a resident of Utah for at least the 30 days immediately before the election;**
  - (c) will be:
    - (i) at least 18 years of age on the day of the election; or
    - (ii) if the election is a regular primary election, a municipal primary election, or a Western States Presidential Primary:
      - (A) 17 years of age on or before the day of the regular primary election, municipal primary election, or Western States Presidential Primary; and
      - (B) 18 years of age on or before the day of the general election that immediately follows the regular primary election, municipal primary election, or Western States Presidential Primary; and
  - (d) currently resides within the voting district or precinct in which the individual applies to register to vote.

. . . . (Emphasis added) (citing version effective May 8, 2018, which states identical residence requirement as predecessor statute).

**Utah Code § 20A-2-105:**

- (1) As used in this section:
  - (a) “Principal place of residence” means the single location where a person’s habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.
  - (b) “Resident” means a person whose principal place of residence is within a specific voting precinct in Utah.

....

- (3)
  - (a) A person resides in Utah if:
    - (i) the person’s principal place of residence is within Utah; and
    - (ii) the person has a present intention to maintain the person’s principal place of residence in Utah permanently or indefinitely.
  - (b) A person resides within a particular voting precinct if, as of the date of registering to vote, the person’s principal place of residence is in that voting precinct.
  - (c) A person’s principal place of residence does not change solely because the person is present in Utah, present in a voting precinct, absent from Utah, or absent from the person’s voting precinct because the person is:
    - (i) employed in the service of the United States or of Utah;
    - (ii) a student at an institution of learning;
    - (iii) incarcerated in prison or jail; or
    - (iv) residing upon an Indian or military reservation.
  - (d)
    - (i) A member of the armed forces of the United States is not a resident of Utah merely because that member is stationed at a military facility within Utah.
    - (ii) In order to be a resident of Utah, a member of the armed forces described in this Subsection (3)(d) shall meet the other requirements of this section.
  - (e)
    - (i) Except as provided in Subsection (3)(e)(ii) or (iii), a person has not lost the person’s principal place of residence in Utah or a precinct if that person moves to a foreign country, another state, or another voting precinct within Utah, for temporary purposes with

- the intention of returning.
- (ii) If a person leaves the state or a voting precinct and votes in another state or voting precinct, the person is no longer a resident of the state or voting precinct that the person left.
  - (iii) A person loses the person's principal place of residence in Utah or in a precinct, if, after the person moves to another state or another precinct under Subsection (3)(e)(i), the person forms the intent of making the other state or precinct the person's principal place of residence.
- (f) A person is not a resident of a county or voting precinct if that person comes for temporary purposes and does not intend to make that county or voting precinct the person's principal place of residence.
  - (g) A person loses the person's principal place of residence in Utah or in a precinct if the person moves to another state or precinct with the intention of making the other state or precinct the person's principal place of residence.
  - (h) If a person moves to another state or precinct with the intent of remaining there for an indefinite time as the person's principal place of residence, the person loses the person's residence in Utah, or in the precinct, even though the person intends to return at some future time.

**Utah Code § 20A-2-207. Registration by provisional ballot.**

- (1) An individual who is not registered to vote may register to vote, and vote, on election day or during the early voting period described in Section 20A-3-601, by voting a provisional ballot, if:
  - (a) the individual is otherwise legally entitled to vote the ballot;
  - (b) the ballot is identical to the ballot for the precinct in which the individual resides;
  - (c) the information on the provisional ballot form is complete;and
  - (d) the individual provides valid voter identification and proof of residence to the poll worker.

....

# Vermont

## Constitution

### Vermont Constitution Chapter I, Article 8:

That all elections ought to be free and without corruption, and that all voters, **having a sufficient, evident, common interest with, and attachment to the community**, have a right to elect officers, and be elected into office, agreeably to the regulations made in this constitution.  
(Emphasis added).

## Statutes

### 17 V.S.A § 2121:

- (a) Any person may register to vote in the town of his or her residence in any election held in a political subdivision of this state in which he or she resides who, on election day:
  - (1) is a citizen of the United States;
  - (2) **is a resident of the state of Vermont**;
  - (3) has taken the voter's oath; and
  - (4) is 18 years of age or more.
- (b) Any person meeting the requirements of subdivisions (a)(1)-(3) of this section who will be 18 years of age on or before the date of a general election may register and vote in the primary election immediately preceding that general election.

(Emphasis added).

### 17 V.S.A § 2122:

- (a) A person shall not gain or lose a residence solely by reason of presence or absence while in the service of the state or of the United States; nor while engaged in the navigation of the waters of the state or of the United States or on the high seas; nor while in a hospital, nursing home, or other health care facility; nor while confined in a prison or correctional institution; nor while a member of a veterans'

home; nor while a student at any educational institution; nor while living outside the United States; nor while certified as a participant in the address confidentiality program under 15 V.S.A. chapter 21, subchapter 3.

- (b) A person may have his or her name on the checklist only in the town of which the person is a resident. For the purpose of this chapter, “resident” shall mean a person who is domiciled in the town as evidenced by an intent to maintain a principal dwelling place in the town indefinitely and to return there if temporarily absent, coupled with an act or acts consistent with that intent. If a person removes to another town with the intention of remaining there indefinitely, that person shall be considered to have lost residence in the town in which the person originally resided even though the person intends to return at some future time. However, a person shall retain the ability to vote in a town of former residence for a period of 17 days after becoming a resident of a new town. A person may have only one residence at a given time.

**17 V.S.A. § 2144:**

- (b) On the day of an election:
  - (1) A person may submit an application for addition to the checklist to the presiding officer at the polling place of the town in which the person seeks to register during the hours of voting established by the board of civil authority for that polling place. In towns with more than one polling place, the polling place shall be that which covers the area in which the person resides.
  - (2) The presiding officer or his or her designated election official shall review all applications submitted at the polling place and shall approve those applications that meet the requirements of section 2121 of this chapter. Upon approval, the applicant's name shall be added to the checklist at the polling place, and the applicant shall be provided with the opportunity to vote in the election. The town clerk shall add the information in the application to the statewide voter checklist within five business days of the day of the election.
  - (3) If the presiding officer or the designated election official cannot determine from an application submitted on election

day that an applicant meets the requirements of section 2121 of this chapter, the presiding officer shall immediately refer the application to any members of the board of civil authority, or its equivalent entity under any applicable charter, present at the polling place, who shall meet immediately and proceed under section 2146 of this chapter to determine whether the applicant meets the requirements of section 2121 of this chapter. For purposes of adding applicant's names to the checklist under this subdivision (3), a quorum of the board or its equivalent entity shall be as provided in section 2451 of this title. If the board rejects an applicant, it shall notify him or her at the polling place.

**17 V.S.A. § 2144a:**

A person who desires to register to vote may apply in any of the following ways:

- (1) Simultaneously with his or her application for, or renewal of, a motor vehicle driver's license or nondriver identification card as provided in section 2145a of this chapter.
- (2) By completing a voter registration application at a voter registration agency.
- (3) By delivering, during regular hours, or mailing a completed application form to the office of the clerk of the town in which the applicant claims to be a resident.
- (4) By completing a voter registration application and delivering it to the presiding officer before the close of the polls at the polling place of the town in which the person seeks to register. In towns with more than one polling place, the polling place shall be that which covers the area in which the person resides.

# Virginia

## Constitution

### Virginia Constitution Article II, Section 1:

In elections by the people, the qualifications of voters shall be as follows: Each voter shall be a citizen of the United States, shall be eighteen years of age, **shall fulfill the residence requirements set forth in this section**, and shall be registered to vote pursuant to this article. No person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other appropriate authority. As prescribed by law, no person adjudicated to be mentally incompetent shall be qualified to vote until his competency has been reestablished.

The **residence requirements shall be** that each voter shall be a resident of the Commonwealth and of the precinct where he votes. Residence, for all purposes of qualification to vote, requires both domicile and a place of abode. The General Assembly may provide for persons who are employed overseas, and their spouses and dependents residing with them, and who are qualified to vote except for relinquishing their place of abode in the Commonwealth while overseas, to vote in the Commonwealth subject to conditions and time limits defined by law. The General Assembly may provide for persons who are qualified to vote except for having moved their residence from one precinct to another within the Commonwealth to continue to vote in a former precinct subject to conditions and time limits defined by law. The General Assembly may also provide, in elections for President and Vice President of the United States, alternatives to registration for new residents of the Commonwealth.

Any person who will be qualified with respect to age to vote at the next general election shall be permitted to register in advance and also to vote in any intervening primary or special election.

(Emphasis added).

## **Statutes**

### **Va. Code Ann. § 24.2-101:**

As used in this title, unless the context requires a different meaning:

....

“Qualified voter” means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law. Whether a signature should be counted towards satisfying the signature requirement of any petition shall be determined based on the signer of the petition’s qualification to vote. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, “qualified voter” shall include only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.

....

“Residence” or “resident,” for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

### **Va. Code Ann. § 24.2-400:**

Any person who is not registered to vote, but would otherwise be a qualified voter, is entitled to register to vote as provided in this chapter. Any person who is registered to vote and is a qualified voter shall be entitled to vote in the precinct where he resides.

**Va. Code Ann. § 24.2-416:**

In any county, city, or town in which an election is being held, the registration records shall be closed for the purpose of registering voters on the election day and during the period in advance of the election as provided in this section. The registration records shall be closed during the twenty-eight days before a primary or general election. Beginning January 1, 2010, the registration records shall be closed during the 21 days before a primary or general election. If the registration records have not been closed previously for a primary or general election, they shall be closed during the six days before a special election called by the Governor, Speaker of the House of Delegates, or President pro tempore of the Senate, or pursuant to rule or resolution of either house of the General Assembly and during the thirteen days before any other special election.

# Washington

## Constitution

### Washington Constitution Article VI, Section 1:

All persons of the age of eighteen years or over who are citizens of the United States and **who have lived in the state, county, and precinct thirty days immediately preceding the election at which they offer to vote**, except those disqualified by Article VI, section 3 of this Constitution, shall be entitled to vote at all elections. (Emphasis added).

### Washington Constitution Article VI, Section 4:

For the purpose of voting and eligibility to office no person shall be deemed to have gained a residence by reason of his presence or lost it by reason of his absence, while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while kept at public expense at any poor-house or other asylum, nor while confined in public prison, nor while engaged in the navigation of the waters of this state or of the United States, or of the high seas.

### Washington Constitution Article VI, Section 7:

The legislature shall enact a registration law, and shall require a compliance with such law before any elector shall be allowed to vote; Provided, that this provision is not compulsory upon the legislature except as to cities and towns having a population of over five hundred inhabitants. In all other cases the legislature may or may not require registration as a pre-requisite to the right to vote, and the same system of registration need not be adopted for both classes.

## Statutes

### Rev. Code Wash. § 29A.04.151:

**“Residence” for the purpose of registering and voting** means a person’s permanent address where he or she physically resides and maintains his

or her abode. However, no person gains residence by reason of his or her presence or loses his or her residence by reason of his or her absence:

- (1) While employed in the civil or military service of the state or of the United States;
- (2) While engaged in the navigation of the waters of this state or the United States or the high seas;
- (3) While a student at any institution of learning;
- (4) While confined in any public prison.

Absence from the state on business shall not affect the question of residence of any person unless the right to vote has been claimed or exercised elsewhere. (Emphasis added).

**Rev. Code Wash. § 29A.08.010:**

- (1) The minimum information provided on a voter registration application that is required in order to place a voter registration applicant on the voter registration rolls includes:
  - (a) Name;
  - (b) Residential address;
  - (c) Date of birth;
  - (d) A signature attesting to the truth of the information provided on the application; and
  - (e) A check or indication in the box confirming the individual is a United States citizen.
- (2) **The residential address provided must identify the actual physical residence of the voter in Washington, as defined in RCW 29A.04.151, with detail sufficient to allow the voter to be assigned to the proper precinct and to locate the voter to confirm his or her residence for purposes of verifying qualification to vote under Article VI, section 1 of the state Constitution.** A residential address may be either a traditional address or a nontraditional address. A traditional address consists of a street number and name, optional apartment number or unit number, and city or town, as assigned by a local government, which serves to identify the parcel or building of residence and the unit if a multiunit residence. A nontraditional address consists of a narrative description of the location of the

voter's residence, and may be used when a traditional address has not been assigned to the voter's residence.

. . . . (Emphasis added).

**Rev. Code Wash. § 29A.08.140:**

- (1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:
  - (a) Submit a registration application no later than twenty-nine days before the day of the primary, special election, or general election; or
  - (b) Register in person at the county auditor's office in his or her county of residence no later than eight days before the day of the primary, special election, or general election.

. . . .

**Rev. Code Wash. § 29A.08.140 (Effective June 30, 2019):**

- (1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:
  - (a) Submit a registration application that is received no later than eight days before the day of the primary, special election, or general election; or
  - (b) Register in person at the county auditor's office, the division of elections if in a separate city from the county auditor's office, a voting center, or other location designated by the county auditor in his or her county of residence no later than 8:00 p.m. on the day of the primary, special election, or general election.

. . . .

# West Virginia

## Constitution

### West Virginia Constitution Article IV, Section 1:

The citizens of the state shall be entitled to vote at all elections held within the counties **in which they respectively reside; but no person** who is a minor, or who has been declared mentally incompetent by a court of competent jurisdiction, or who is under conviction of treason, felony or bribery in an election, or **who has not been a resident of the state and of the county in which he offers to vote, for thirty days next preceding such offer, shall be permitted to vote while such disability continues;** but no person in the military, naval or marine service of the United States shall be deemed a resident of this state by reason of being stationed therein. (Emphasis added).

## Statutes

### West Virginia Code § 3-1-3:

Citizens of the state shall be entitled to vote at all elections held within the precincts of the counties and municipalities **in which they respectively reside. But no person** who has not been registered as a voter as required by law, or who is a minor, or who has been declared mentally incompetent by a court of competent jurisdiction, or who is under conviction of treason, felony or bribery in an election, or **who is not a bona fide resident of the state, county or municipality in which he or she offers to vote, shall be permitted to vote at such election while such disability continues,** unless otherwise specifically provided by federal or state code. Subject to the qualifications otherwise prescribed in this section, however, a minor shall be permitted to vote only in a primary election if he or she will have reached the age of eighteen years on the date of the general election next to be held after such primary election. (Emphasis added).

**West Virginia Code § 3-2-2:**

- (a) Any person who possesses the constitutional qualifications for voting may register to vote. **To be qualified, a person must be a citizen of the United States and a legal resident of West Virginia and of the county where he or she is applying to register,** shall be at least eighteen years of age, except that a person who is at least seventeen years of age and who will be eighteen years of age by the time of the next ensuing general election may also be permitted to register, and shall not be otherwise legally disqualified: Provided, That a registered voter who has not reached eighteen years of age may vote both partisan and nonpartisan ballots in a federal, state, county, municipal or special primary election if he or she will be eighteen years of age by the time of the corresponding general election. (Emphasis added).

**West Virginia Code § 3-2-6:**

- (a) Voter registration before an election closes on the twenty-first day before the election or on the first day thereafter which is not a Saturday, Sunday or legal holiday.

....

# Wisconsin

## Constitution

### Wisconsin Constitution Article III, Section 1:

Every United States citizen age 18 or older **who is a resident** of an election district in this state is a qualified elector of that district. (Emphasis added).

## Statutes

### Wisconsin Statutes § 6.02:

- (1) Every U.S. citizen age 18 or older **who has resided in an election district or ward for 28 consecutive days before any election** where the citizen offers to vote is an eligible elector.
- (2) Any U.S. citizen age 18 or older who moves within this state later than 28 days before an election shall vote at his or her previous ward or election district if the person is otherwise qualified. If the elector can comply with the 28-day residence requirement at the new address and is otherwise qualified, he or she may vote in the new ward or election district.

(Emphasis added).

### Wisconsin Statutes § 6.10:

Residence as a qualification for voting shall be governed by the following standards:

- (1) The residence of a person is the place where the person's habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.
- (2) When a married person's family resides at one place and that person's business is conducted at another place, the former place establishes the residence. If the family place is temporary or for transient purposes, it is not the residence.
- (3) When an elector moves his or her residence from one ward or municipality to another ward or municipality within the state at least 28 days before the election, the elector may vote in and be considered a resident of the new ward or municipality

where residing upon registering at the proper polling place or other registration location in the new ward or municipality under s. 6.55 (2) or 6.86 (3) (a) 2. If the elector moves his or her residence later than 28 days before an election, the elector shall vote in the elector's former ward or municipality if otherwise qualified to vote there.

- (4) The residence of an unmarried person sleeping in one ward and boarding in another is the place where the person sleeps. The residence of an unmarried person in a transient vocation, a teacher or a student who boards at different places for part of the week, month, or year, if one of the places is the residence of the person's parents, is the place of the parents' residence unless through registration or similar act the person elects to establish a residence elsewhere. If the person has no parents and if the person has not registered elsewhere, the person's residence shall be at the place that the person considered his or her residence in preference to any other for at least 28 consecutive days before an election. If this place is within the municipality, the person is entitled to all the privileges and subject to all the duties of other citizens having their residence there, including voting.
- (5) A person shall not lose residence when the person leaves home and goes into another state or county, town, village or ward of this state for temporary purposes with an intent to return.
- (6) As prescribed by article III of the constitution, no person loses residence in this state while absent from this state on business for the United States or this state; and no member of the armed forces of the United States gains a residence in this state because of being stationed within this state.
- (7) A guest at a national or a state soldiers' home in this state, a guest at a home for the aged supported by benevolence, or a patient of any county home or other charitable institution, resides in the municipality where the home is located and within the ward where the guest or patient sleeps, unless before becoming a guest or patient at the home the guest or patient elects to maintain his or her prior residence as his or her voting residence.

(7m)

- (a) The residence of a person who is detained, or committed and institutionalized, under s. 51.20, 971.14, or 971.17 or ch. 980 shall be determined by applying the standards under sub. (1) to whichever of the following dates is applicable to the circumstances of the person:
  - 1. For a person detained or committed under s. 51.20, the date that the person was detained under s. 51.20 (2) or, if the person was not detained under s. 51.20 (2), the date that the person was committed under s. 51.20 (13).
  - 2. For a person committed under s. 971.14 or 971.17, the date of the offense or alleged offense that resulted in the person's commitment.
  - 3. For a person detained or committed under ch. 980, the date that the person committed the sexually violent offense that resulted in the sentence, placement, or commitment that was in effect when the state filed a petition under s. 980.02 against the person.
- (b) That the person's habitation was fixed at the place established under par. (a) before he or she was detained or committed shall be considered prima facie evidence that the person intends to return to that place. The prima facie evidence of intent to return to the place determined under par. (a) may be rebutted by presenting information that indicates that the person is not likely to return to that place if the person's detention or commitment is terminated.
- (8) No person gains a residence in any ward or election district of this state while there for temporary purposes only.
- (9) No person loses the right to vote at the person's place of residence while receiving public assistance or unemployment insurance even if the legal settlement for assistance is elsewhere.
- (10) If a person moves to another state with an intent to make a permanent residence there, or, if while there the person exercises the right to vote as a citizen of that state by voting, the person loses Wisconsin residence.
- (11) Neither an intent to acquire a new residence without removal, nor a removal without intent, shall affect residence.
- (12) Student status shall not be a consideration in determining residence for the purpose of establishing voter eligibility.

- (13) A military elector under s. 6.22 (1) (b) who is the spouse or dependent of another military elector may elect to take as his or her residence either the individual's most recent residence in this state or the residence of the individual's spouse or the individual providing his or her support.

**Wisconsin Statutes § 6.28:**

- (1) Registration deadline; locations.
- (a) Except as authorized in ss. 6.29, 6.55 (2), and 6.86 (3) (a) 2., registration in person for an election closes at 5 p.m. on the 3rd Wednesday preceding the election. Registrations made by mail under s. 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later than the 3rd Wednesday preceding the election. Electronic registration under s. 6.30 (5) for an election closes at 11:59 p.m. on the 3rd Wednesday preceding the election. The municipal clerk or board of election commissioners may assign election registration officials to register electors who apply for an in-person absentee ballot under s. 6.86 (1) (b) or to register electors at a polling place on election day or at a residential care facility, as defined under s. 6.875 (1) (bm).

....

**Wisconsin Statutes § 6.29:**

- (1) No names may be added to a registration list for any election after the close of registration, except as authorized under this section or s. 6.55 (2) or 6.86 (3) (a) 2. Any person whose name is not on the registration list but who is otherwise a qualified elector is entitled to vote at the election upon compliance with this section, if the person complies with all other requirements for voting at the polling place.
- (2)
- (a) Any qualified elector of a municipality who has not previously filed a registration form or whose name does not appear on the registration list of the municipality may register after the close of registration but not later than 5 p.m. or the close of business, whichever is later, on the Friday before an election at the office of the municipal clerk and at the office of the clerk's agent if the clerk delegates responsibility for electronic maintenance of the registration list to an agent

under s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2), a registration form containing all information required under s. 6.33 (1). The registration form shall also contain the following certification: "I, ..., hereby certify that, to the best of my knowledge, I am a qualified elector, having resided at ... for at least 28 consecutive days immediately preceding this election, and I have not voted at this election". The elector shall also provide proof of residence under s. 6.34.

....

## **Wisconsin Statutes § 6.55**

(2)

- (a) Except where the procedure under par. (c) or (cm) is employed, any person who qualifies as an elector in the ward or election district where he or she desires to vote, but has not previously filed a registration form, or was registered at another location, may request permission to vote at the polling place for that ward or election district, or at an alternate polling place assigned under s. 5.25 (5) (b). When a proper request is made, the inspector shall require the person to execute a registration form prescribed by the commission. The registration form shall be completed in the manner provided under s. 6.33 (2) and shall contain all information required under s. 6.33 (1), together with the following certification:  
"I, \_\_\_, hereby certify that, to the best of my knowledge, I am a qualified elector, having resided at \_\_\_ for at least 28 consecutive days immediately preceding this election, and I have not voted at this election."
- (b) Upon executing the registration form under par. (a), the elector shall provide proof of residence under s. 6.34. The signing by the elector executing the registration form shall be in the presence of the election registration official or inspector. Upon receipt of the registration form, the official or inspector shall enter both the type of identifying document submitted by the elector as proof of residence and the name of the entity or institution that issued the identifying document, and, if the identifying document includes a number that applies only to the individual holding that document, that number in the space provided on the form. The official or inspector shall then print

his or her name on and sign the form, indicating that the official or inspector has accepted the form. Upon compliance with this procedure, the elector shall be permitted to cast his or her vote, if the elector complies with all other requirements for voting at the polling place.

....

# Wyoming

## Constitution

### Wyoming Constitution Article 6, Section 2:

Every citizen of the United States of the age of twenty-one years and upwards, **who has resided in the state or territory** one year and in the county wherein such residence is located sixty days next preceding any election, shall be entitled to vote at such election, except as herein otherwise provided. (Emphasis added).

### Annotations:

Residence requirement decreased by *Delgiorno v. Huisman*, 98 P.2d 1246, (Wyo. 1972).

## Statutes

### Wyoming Statutes § 22-1-102:

- (xxx) "Residence" is the place of a person's actual habitation. The construction of this term shall be governed by the following rules:
- (A) Residence is the place where a person has a current habitation and to which, whenever he is absent, he has the intention of returning;
  - (B) A person shall not gain or lose residence merely by reason of his presence or absence while:
    - (I) Employed in the service of the United States or of this state; or
    - (II) A student at an institution of learning; or
    - (III) Kept at a hospital or other institution; or
    - (IV) Stationed at or residing on a military reservation or installation or at a transient camp maintained for relief purposes by the government of the United States in this state. No person shall be excluded as a voter solely because of his residence on a federal enclave within the state. This factor shall be considered with all others in the determination of the person's residence within the state for voting purposes.

- (C) A person shall not lose his residence by leaving his home to go to another state, another district of this state, or to another country for temporary purposes, with the intent of returning, if he has not registered in the other state, district or country;
- (D) A person shall not gain residence in a county if he enters it without the intent of making it his current actual residence;
- (E) If a person removes to another state with the intent of making it his residence, he loses his residence in Wyoming; except that in a general election year, if his registration is valid in Wyoming when he leaves this state and he is unable to qualify under the laws of his new state of residence to vote at the primary or general election, he shall be deemed to have retained residence in Wyoming for purposes of voting by absentee ballot in the primary or general election;
- (F) A person who takes up or continues his abode at a place other than where his family resides, shall be a resident of the place where he actually abides.

**Wyoming Statutes § 22-2-101:**

- (a) Chapters 1 through 28 of this Election Code apply to the following elections:
  - (i) General elections;
  - (ii) Primary elections;
  - (iii) Special elections to fill vacancies in the office of representative in congress;
  - (iv) County elections;
  - (v) Municipal elections;
  - (vi) School and community college elections;
  - (vii) Bond, mill levy and political subdivision tax elections;
  - (viii) Any special election;
  - (ix) Election of supervisors of a soil conservation district in a county whose board of county commissioners has, on or before May 1 of any year, adopted a resolution to make this Election Code apply;
  - (x) Elections held under chapter 29 of this title if:
    - (A) The special district principal act is silent on the matter; and
    - (B) Chapter 29 of this title and rules promulgated pursuant to that chapter are silent on the matter.

- (b) This Election Code shall be construed so that all legally qualified electors may register and vote, that those who are not qualified shall not vote, and that fraud and corruption in elections shall be prevented.

**Wyoming Statutes § 22-2-119:**

Except as specifically provided otherwise **a person may vote only** if he is a qualified elector and only **in the precinct in which he resides**.  
(Emphasis added).

**Wyoming Statutes § 22-3-102:**

- (a) A person may register to vote not less than fourteen (14) days before an election, at any election specified in W.S. 22-2-101(a)(i) through (viii) or as provided by W.S. 22-3-117, who satisfies the following qualifications:
  - (i) He is a citizen of the United States;
  - (ii) He will be at least eighteen (18) years of age on the day of the next general election provided he shall not be permitted to vote until he has attained the age of eighteen (18);
  - (iii) **He is a bona fide resident of Wyoming** as determined in accordance with W.S. 22-1-102(a)(xxx);
  - (iv) He is not currently adjudicated mentally incompetent;
  - (v) He has not been convicted of a felony, or if convicted has had his civil or voting rights restored.

(Emphasis added).

**Wyoming Statutes § 22-3-104:**

- (f) A person shall be registered to vote as follows:
  - (i) Repealed by Laws 2014, ch. 108, § 2.
  - (ii) Registration is effective:
    - (A) At the polls for the purpose of voting. Upon verification of the information, the voter shall continue to be registered. Upon failure of verification, the voter's registration shall be revoked in accordance with W.S. 22-3-105;

- (B) For registration, other than at the polls, after the voter registration information has been entered onto the voter registration system and verified.
- (g) On election day, applicants attempting to register who lack the proof required under this section shall be offered provisional ballots in accordance with W.S. 22-15-105 and permitted until the close of business on the day following the election to present documentation to the county clerk establishing their eligibility to register and to vote in the precinct.
- (h) An applicant may register to vote in person:
  - (i) In his proper polling place at any election specified in W.S. 22-2-101(a)(i) through (viii); or
  - (ii) In the office of the county clerk or city clerk in the principal office building of the county or city in the presence of the registry agent.